

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT  
219 South Dearborn Street  
Chicago, Illinois 60604

September 13, 2021

Chief Judge Diane S. Sykes

No. 07-21-90064

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presided over two civil cases that he filed in 2013 and 2014. He challenges the judge's decisions to remand his state-court claims, deny his request for pro bono counsel, and dismiss his cases as frivolous. He also alleges that the judge unreasonably restricted his ability to file future lawsuits, which he deems unconstitutional and evincing "severe prejudicial bias causing irreparable harm." Finally, he alleges that the judge engaged in ex parte communications with defense counsel.

Allegations that are directly related to the merits of the judge's decisions are not proper grounds for a misconduct complaint. 28 U.S.C. § 352(b)(1)(A)(ii). "Any allegation that calls into question the correctness of an official action of a judge ... is merits related." STEPHEN BREYER ET AL., IMPLEMENTATION OF THE JUDICIAL CONDUCT AND DISABILITY ACT OF 1980: A REPORT TO THE CHIEF JUSTICE 145 (2006). To the extent that the complainant challenges the judge's procedural or substantive rulings, the allegations are merits related and the complaint must be dismissed. § 352(b)(1)(A)(ii). To the extent that the complainant suggests that the judge was biased against him and engaged in ex parte communications, the allegations are wholly unsupported and likewise must be dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); see RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 11(c)(1)(D).

For the foregoing reasons, the complaint is dismissed pursuant to § 352(b)(1)(A)(ii) and (iii). The complainant may petition the Judicial Council of the Seventh Circuit for review of this order in accordance with Rule 18(b) of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings*. 28 U.S.C. § 352(c); see RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 11(g)(3). A petition for review must be filed in the clerk's office of the

United States Court of Appeals for the Seventh Circuit not later than 42 days of the date of this order.