

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

November 4, 2021

Chief Judge Diane S. Sykes

No. 07-21-90076

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against a judge, but the allegations are limited to acts and omissions in connection with the judge's handling of the complainant's criminal case in state court. The complainant alleges that the judge accepted bribes in the state case and wrongly denied his motion to dismiss and his motion for recusal.

Although the alleged conduct predates the judge's federal service, "cognizable misconduct includes conduct occurring outside the performance of official duties" if the conduct is reasonably likely to have a prejudicial effect on the administration of the court's business. RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 4(a)(7). Nonetheless, the complainant has not articulated any cognizable judicial misconduct. Allegations directly related to the merits of a 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 application of the law to the facts, the allegations are merits related and the complaint must be dismissed. § 352(b)(1)(A)(ii). To the extent that the complainant asserts that the judge accepted bribes during the pendency of the complainant's criminal case, 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.