

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

February 11, 2022

Chief Judge Diane S. Sykes

No. 07-22-90001

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presided over his 2019 civil case. He challenges the judge's decisions to dismiss his complaint and deny his motion for pro bono attorney representation. He also contends that the judge did not read his motions, or did not read them thoroughly, before ruling on them. He requests that his case be allowed to proceed or that he be provided with a new judge or trial.

Allegations 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). The allegations here are all merits related and must be dismissed. § 352(b)(1)(A)(ii). It's also worth noting that a different judge—not the one who is the subject of this complaint—denied the complainant's motion for pro bono counsel. In any event, as noted above, the decision to deny counsel is merits related and not proper grounds for a misconduct complaint.

For the foregoing reason, the complaint is dismissed pursuant to § 352(b)(1)(A)(ii). 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.