

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

February 11, 2022

Chief Judge Diane S. Sykes

No. 07-22-90002

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presided over his 2013 civil case. He challenges the judge's decisions to deny several motions, including motions for reconsideration and pro bono attorney representation, and to resolve credibility findings in favor of the defendants. He also contends that the judge displayed favoritism and lacked integrity because he ruled in favor of the defendants.

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 almost all merits related and must be dismissed. § 352(b)(1)(A)(ii). Regarding the remaining allegation that the judge was biased in favor of the defendants, the complainant provides no particulars to substantiate this claim other than that the judge ruled in favor of the defendants. Any allegation of bias must be supported by sufficient facts to raise an inference that misconduct has occurred; it cannot be based on mere speculation. 28 U.S.C. § 352(b)(1)(A)(iii).

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.