

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

March 24, 2022

Chief Judge Diane S. Sykes

No. 07-22-90005

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presided over his employment-discrimination lawsuit. The complainant challenges the judge's decision to enter summary judgment in favor of the defendant. He raises several alleged errors and requests reversal of the decision or the appointment of an attorney to appeal on his behalf. The complainant also claims that the judge's decision reflects bias against plaintiffs. On the other hand, he contends that the judge has "a history in the high percentages of favoring plaintiffs" and "goes out of his way to believe the plaintiff." Finally, he alleges that the judge is biased against heterosexuals.

None of the complainant's allegations raise cognizable misconduct. First, 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). The complainant's numerous challenges to the substance of the judge's summary-judgment decision are merits related and must be dismissed. § 352(b)(1)(A)(ii).

To the extent that the complainant suggests that the judge was biased against him—whether generally biased against plaintiffs or specifically biased against heterosexual males—the allegations are wholly unsupported and frivolous 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). An adverse decision is not evidence of discrimination or bias.

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.