

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

March 24, 2022

Chief Judge Diane S. Sykes

No. 07-22-90006

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presides over her case alleging claims of constitutional deprivations in a correctional facility where she was previously incarcerated. (The complainant was later transferred to a different facility.) She complains about the judge's revocation of her *in forma pauperis* status based on the "three strikes" rule of 28 U.S.C. § 1915(g). This is the complainant's fourth judicial-misconduct complaint since 2020.

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 contends that the judge wrongly revoked her *in forma pauperis* status, but that challenge is squarely merits related. § 352(b)(1)(A)(ii). She also claims that the judge failed to screen her complaint, but the docket reflects that the judge thoroughly considered her claims and numerous motions prior to revoking her status. None of the allegations are cognizable judicial misconduct, and the complaint must be dismissed.

The complainant's three prior complaints against a different judge were dismissed on similar grounds. *See* Nos. 07-20-90015, -90081, & -90083. In my order dismissing the last two complaints, I also warned the complainant that repetitive filing of insubstantial misconduct complaints is an abuse of the Judicial Conduct and Disability Act. Rule 10(a) of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings* empowers the Judicial Council of the Seventh Circuit to prohibit, restrict, or impose conditions on an abusive

complainant's use of the complaint process. This new complaint demonstrates that the complainant did not heed that warning.

This is her final warning. If the complainant files another misconduct complaint that is summarily dismissed under any provision in § 352(b)(1)(A) or (B), I will ask the Judicial Council to require her to post a \$1,000 bond before any future complaints are reviewed. *See* RULES FOR JUD.-MISCONDUCT & JUD.-DISABILITY PROC. 10(a).

For the foregoing reasons, 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.