

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

March 24, 2022

Chief Judge Diane S. Sykes

No. 07-22-90007

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant has now filed his sixth misconduct complaint in less than a year against the judge who presides over multiple cases he filed alleging civil-rights violations. In this sixth complaint, he alleges that the judge unlawfully transferred his case from the division in which it was filed to the judge's division in the same district. He claims that the judge does not have jurisdiction or venue over his claims and that the transfer constitutes judicial interference, bad faith, and fraud.

The complainant wants to know why all his cases keep getting transferred to the same judge. To this end, in one of his cases, he filed a motion to change venue that mirrors the present misconduct complaint. The docket reflects that the judge denied the motion and, in doing so, identified the statutes and rules that govern transferring cases to different divisions within the same judicial district and explained why the complainant's cases keep winding up on the subject judge's docket. The complainant then filed this complaint challenging the correctness of that decision. "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). A decision denying a motion to change venue clearly is merits related and not cognizable misconduct. 28 U.S.C. § 352(b)(1)(A)(ii).

I dismissed the complainant's five earlier complaints on similar grounds. *See* Nos. 7-21-90012, -90017, -90029, -90083, & 7-22-90004. I also have repeatedly warned the complainant that repetitive filing of noncognizable misconduct complaints is an abuse of the Act. A final warning issued in February 2022 crossed in the mail with this most recent complaint. I therefore reiterate the final warning here: If the complainant abuses the provisions of the Act by filing another misconduct complaint that is summarily dismissed

as frivolous, merits related, and/or not within the scope of the Act, I will ask the Judicial Council to require him 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.