

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

March 24, 2022

Chief Judge Diane S. Sykes

Nos. 07-22-90009 & 07-22-90010

IN RE COMPLAINTS AGAINST TWO JUDGES

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against two judges—the magistrate judge and the district judge assigned to her civil-rights case. She complains about several of the judges’ decisions, including the denial of her motion to disqualify both judges and a decision requiring her to appear in person for a hearing at which defense counsel was permitted to appear telephonically. She contends that the judges’ rulings are wrong and both judges are biased against her because she is black.

None of the allegations raise cognizable misconduct. Complaints about 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). To the extent that the complainant challenges the denial of the recusal motion, her allegations are merits related, and the complaint must be dismissed. § 352(b)(1)(A)(ii). The decision to require the complainant to appear in person for a hearing is a case-management decision; mere disagreement with a judge’s procedural decisions is not a proper basis for a misconduct complaint. *Id.*

Finally, the complainant’s allegations that the judges are biased against her because of her race are wholly unsupported and likewise must be dismissed. *Id.*; see RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 11(c)(1)(D). Adverse decisions are not evidence of racial discrimination, and the complainant offers no reason to believe that either judge would have ruled differently had the complainant been of a different race.

For the foregoing reasons, both complaints are 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.