

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

March 24, 2022

Chief Judge Diane S. Sykes

No. 07-22-90013

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presided over her civil-rights case. She challenges the judge's decision to dismiss the case for failure to state a claim. She also refers to additional conduct by state-court judges, but those allegations do not fall within the purview of the Judicial Conduct and Disability Act, which is limited to the conduct of federal judges. *See* 28 U.S.C. § 351(a), (d) (permitting a complaint against "a judge" and defining that term to include only circuit, district, bankruptcy, and magistrate judges); *see also id.* § 352(b)(1)(A)(i).

The complaint does not raise cognizable judicial misconduct. 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). Because the complainant challenges only the merits of the judge's decision to dismiss her case, the complaint must be dismissed. § 352(b)(1)(A)(ii).

For the foregoing reason, 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.