

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

March 23, 2022

Chief Judge Diane S. Sykes

No. 07-22-90014

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the magistrate judge assigned to a case that he filed in 2019. He previously filed a misconduct complaint against the judge in 2020, which was dismissed as merits related. *See* No. 07-20-90048. The case was terminated in June 2021 following a ruling by the court of appeals that it must be dismissed for lack of subject-matter jurisdiction. Notwithstanding the jurisdictional dismissal, the complainant continues to submit filings to the court. This misconduct complaint, like the earlier one, challenges the judge's official actions in the case and adds claims that the judge is biased and has conspired with the named defendants in his lawsuit.

Once again, the complainant has not articulated any cognizable judicial misconduct. His second judicial-misconduct complaint rehashes the claims he raised in his lawsuit in a nonsensical fashion, the substance of which mirrors prior pleadings he has filed in various venues. At bottom, his claims stem from a custody battle. As I have noted, the court of appeals ruled that the lawsuit must be dismissed for lack of subject-matter jurisdiction under the *Rooker-Feldman* doctrine. And so it was dismissed, yet the complainant continues to demand various actions by the court, including the arrest of the participants in the state-court custody case.

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 the merits of the judge's decisions, the complaint must be dismissed. § 352(b)(1)(A)(ii).

As to his remaining claims of conspiracy and bias, the allegations are wholly unsupported and irrational 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 a conspiracy or bias.

The conduct complained of in this complaint and the previous one clearly falls outside the scope of the Judicial Conduct and Disability Act. § 352(b)(1)(A). Repetitive filing of noncognizable misconduct complaints is an abuse of the 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 procedure. 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 consider asking 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) 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.