

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

May 10, 2022

Chief Judge Diane S. Sykes

No. 07-22-90031

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presides over her civil-rights case. She complains of wrongdoing by the defense lawyer and the judge who was previously assigned to her case (now retired), but the gist of the misconduct complaint is aimed at the judge who now presides. She does not like how the newly assigned judge is handling her case. For instance, she wants additional discovery before responding to summary judgment, but the judge has decided to resolve certain threshold issues before permitting more discovery. She wants the judge to explain the Seventh Circuit's ruling on appeal, but the judge determined that doing so would cross the line into providing impermissible legal advice. She alludes to discrimination on the basis of her disability but does not identify any specific discriminatory actions by the judge. Finally, she alleges that the court sent documents to her old address after she informed the court of her change of address.

These allegations do not 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). The challenges to the judge's discovery schedule and rulings on her motions are merits related and must be dismissed. § 352(b)(1)(A)(ii). The complainant's vague allegations of disability discrimination are wholly unsupported and must be dismissed. *Id.* § 352(b)(1)(A)(iii); see RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 11(c)(1)(D). Finally, the complaint that documents were sent to the wrong address is related to an action of the clerk's office, not a judge, and is beyond the purview of the Judicial Conduct and Disability Act. 28 U.S.C. § 352(b)(1)(A)(i).

For the foregoing reasons, this complaint is dismissed pursuant to § 352(b)(1)(A)(i), (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.