

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

June 28, 2022

Chief Judge Diane S. Sykes

No. 07-22-90034

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presides over several of his prisoner-rights cases. He complains about the judge's rulings. 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 allegations challenge the merits of the judge's decisions, the complaint must be dismissed. § 352(b)(1)(A)(ii).

The complainant filed a similar misconduct complaint against a different judge in 2021, which I summarily dismissed for the same reason. 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). 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.