

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

August 16, 2022

Chief Judge Diane S. Sykes

No. 07-22-90049

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the bankruptcy judge who presided over his case, as well as against the bankruptcy trustee. He alleges that over the past ten years, he has had five bankruptcy cases and that “many have failed due to the bias, bigotry, and back alley deals by the court and its employees.” He recounts various decisions and rulings that he believes negatively impacted his financial future.

Allegations directly related to the merits of the 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 bankruptcy judge’s procedural or substantive rulings, the allegations are merits related and the complaint must be dismissed. § 352(b)(1)(A)(ii). The allegation that the judge discriminated against the complainant based on his race or a disability is wholly unsupported and likewise must be dismissed. *Id.* § 352(b)(1)(A)(iii); see RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 11(c)(1)(D). Finally, the allegations against the bankruptcy trustee are beyond the purview of the Judicial Conduct and Disability Act. 28 U.S.C. § 352(b)(1)(A)(i); see also *id.* § 351(a), (d) (permitting a complaint against “a judge” and defining that term to include only circuit, district, bankruptcy, and magistrate judges).

For the foregoing reasons, the 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.