

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

August 16, 2022

Chief Judge Diane S. Sykes

No. 07-22-90051

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presided in his prisoner-rights case. Last year he filed a similar complaint against a different judge who presided in another of his prisoner-rights cases. I dismissed that complaint because the allegations concerned the merits of the judge's rulings in the complainant's case and because nothing supported the complainant's allegation that the judge was discriminating against him.

The allegations in this new complaint are likewise directly related to the judge's rulings in the complainant's case. The complainant also accuses the judge of disregarding his personal safety because the judge has denied his requests for injunctive relief and a transfer to a different prison. "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). As before, complaints about the merits of a judge's decisions are not proper grounds for a misconduct complaint and must be dismissed. 28 U.S.C. § 352(b)(1)(A)(ii).

The conduct complained of in both complaints 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.