

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

October 11, 2022

Chief Judge Diane S. Sykes

No. 07-22-90053

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presided over his habeas case. He contends that the judge disregarded relevant evidence in rendering a decision, challenges several specific rulings made by the judge, and alleges that the judge (or by implication, the court clerk) failed to send him a copy of the final decision. He also accuses the judge of racial discrimination and bias.

Allegations concerning 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 rulings are merits related and must be dismissed. § 352(b)(1)(A)(ii). The complainant's allegations of bias and discrimination are wholly unsupported and must be dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); see RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 11(c)(1)(D). The allegation that he did not receive a copy of a decision 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.