

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

October 11, 2022

Chief Judge Diane S. Sykes

No. 07-22-90055

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presided over her civil case. She disagrees with the judge's decision in her case, claims that she was deprived of due process, and alleges that the judge discriminated against her because she is a woman. She also claims that she was denied access to PACER.

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. 28 U.S.C. § 352(b)(1)(A)(ii). The complainant's allegations of discrimination are unsupported and frivolous and must be dismissed. *Id.* § 352(b)(1)(A)(iii); see RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 11(c)(1)(D). The allegation that she did not have access to PACER 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, 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.