

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

November 23, 2022

Chief Judge Diane S. Sykes

No. 07-22-90103

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainants filed a misconduct complaint against a district judge, alleging that the judge rejected an agreement between a criminal defendant and the prosecuting attorney to sentence the defendant to probation instead of prison. The complainants contend that it “was obvious [that the defendant] was sentenced to prison for this first offense because he is white” and that the judge discriminated against him. The complainants also contend that the judge twice called the defendant by the wrong first name and that the judge held it against the defendant that he was still taking suboxone.

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); RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 4(b)(1). “Any allegation that calls into question the correctness of an official decision or procedural ruling of a judge ... is merits related.” RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 4(b)(1) cmt. The challenges to the judge’s sentencing decision are merits related and must be dismissed. § 352(b)(1)(A)(ii). The allegations of bias and discrimination are wholly unsupported—adverse rulings alone are not proof of discrimination—and must be dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); *see* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 11(c)(1)(D). Finally, the complainants’ allegation that the judge called the defendant by the wrong first name is not cognizable misconduct. 28 U.S.C. § 352(b)(1)(A)(iii); *see* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 11(c)(1)(A).

For the foregoing reasons, this complaint is dismissed pursuant to § 352(b)(1)(A)(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. r. 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.