

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

March 6, 2023

Chief Judge Diane S. Sykes

No. 07-22-90115

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who dismissed his civil-rights case. The allegations challenge the judge's decision to deny his request to proceed *in forma pauperis*. The complainant claims that the judge disregarded relevant evidence and erroneously concluded that he had not provided certain information in his application. He also asserts that the judge exhibited bias in favor of the defendants in his case and dismissed his complaint without an "explicit written reason" or "investigation."

The allegations here are, for the most part, directly related to the merits of the judge's decision and are thus not cognizable misconduct. Merits-related 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." RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 4(b)(1) cmt.

The complainant also alleges that the judge exhibited bias in favor of the defendants but provides no particulars to substantiate his claims other than the judge's rulings in his case. According to the docket, the judge issued a written order detailing the basis for the dismissal of his amended complaint and the judge also permitted the complainant an opportunity to amend his application to proceed *in forma pauperis*, which he did not do. Any allegation of bias must be supported by sufficient facts to raise an inference that misconduct occurred; it cannot be based on mere speculation. 28 U.S.C. § 352(b)(1)(A)(iii). So these claims must also be dismissed.

For the foregoing reasons, the 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*. *Id.* § 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.