

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

March 6, 2023

Chief Judge Diane S. Sykes

No. 07-23-90001

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who is presiding over his civil-rights case. He contends that the judge exhibited bias in favor of the defendants by permitting them to file a motion past the briefing schedule deadline and by ruling on a motion quickly without giving him a meaningful opportunity to respond. He also claims that the judge has a disability.

The complainant's opposition to the timing of the judge's ruling on a motion is not cognizable misconduct. Allegations related to the merits of a judge's procedural and substantive 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. Thus, this claim must be dismissed.

The allegation of bias is insufficient to raise an inference of misconduct. The complainant offers no particulars to support this claim other than the language in the order that states that failure to comply with briefing-schedule deadlines may result in dismissal. Any allegation of bias must be supported by sufficient facts to raise an inference that misconduct has occurred; it cannot be based on mere speculation. 28 U.S.C. § 352(b)(1)(A)(iii). And the complainant's contention that the judge has a disability is based solely on the judge's adverse ruling. The allegations of bias and disability are therefore wholly unsupported and frivolous and must be dismissed. *Id.*; see RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 11(c)(1)(D).

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*. 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.