

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

March 17, 2023

Chief Judge Diane S. Sykes

No. 07-23-90003

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who denied his motion for permission to file electronically in CM/ECF and to access PACER without paying a fee. He claims that the judge engaged in “overreach” and “bigotry” in denying his motion. In 2022 the complainant filed a misconduct complaint against the judge and 14 other judges, all of which were dismissed as merits related and unsupported. *See* Judicial Misconduct Orders 07-22-90085 through 07-22-90099. The complainant’s current complaint also includes various allegations pertaining to a state-court judge.

The claim of “overreach” in the denial of complainant’s motion for CM/ECF and PACER access does not raise cognizable misconduct. 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 complainant’s allegations of bigotry or bias are frivolous and conclusively refuted by the court’s order, which shows that the denial of complainant’s motion for CM/ECF and PACER access was based on his history of repeated abuse of the court’s process. 28 U.S.C. § 352(b)(1)(A)(iii), (b)(1)(B). Adverse rulings are not proof of bias or impartiality. *See* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 11(c)(1)(D). Finally, the allegations about a state-court judge are beyond the purview of the Judicial Conduct and Disability Act and will not be considered. 28 U.S.C. § 351(d)(1) (defining the term “judge” to include only circuit, district, bankruptcy, and magistrate judges).

The allegations in this complaint and the previous complaints clearly fall outside the scope of the Judicial Conduct and Disability Act. § 352(b)(1)(A). Repetitive filing of noncognizable misconduct complaints is an abuse of the Act. Rule 10(a) of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings* empowers the Judicial Council of the Seventh Circuit to prohibit, restrict, or impose conditions on an abusive complainant's use of the complaint procedures. If the complainant abuses the provisions of the Act by filing another misconduct complaint that is summarily dismissed as frivolous, merits related, and/or not within the scope of the Act, I will consider asking the Judicial Council to require him to post a \$1,000 bond before any future complaints are reviewed. *See* RULES FOR JUD.-MISCONDUCT & JUD.-DISABILITY PROC. r. 10(a).

For the foregoing reasons, the complaint is dismissed pursuant to § 352(b)(1)(A)(ii), (iii), and (b)(1)(B). 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 after the date of this order.