

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

March 17, 2023

Chief Judge Diane S. Sykes

Nos. 07-23-90004 & 07-23-90005

IN RE COMPLAINTS AGAINST TWO JUDGES

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against two judges who are assigned to his civil-rights case. He alleges that the judges are “refusing to dignify” the injunctive relief he seeks by delaying a ruling on his motion for a temporary restraining order. He also alleges that the defendants in his case have engaged in misconduct and that the judges “refuse to address it” and are “intent on appeasing” counsel for defendants.

The allegations of delay are considered merits related and are not cognizable under the Judicial Conduct and Disability Act. *See* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 4(b)(2) (“Cognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.”). Allegations directly related to the merits of the judges’ 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 allegations that the judges are biased in favor of the defendants are wholly unsupported. Adverse rulings alone do not suggest bias or lack of impartiality. 28 U.S.C. § 352(b)(1)(A)(iii); 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.