

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

May 9, 2023

Chief Judge Diane S. Sykes

Nos. 07-23-90011 & 07-23-90012

IN RE COMPLAINTS AGAINST TWO JUDGES

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against two judges who presided in his bankruptcy proceedings. The misconduct complaint is 679 pages long. The first 30 pages recount the complainant's version of the procedural history and substantive issues in the bankruptcy proceedings; this section of the complaint also contains several merits-related challenges to the judges' rulings and accuses one of the judges of bias in favor of the creditor, retaliation and intimidation against the complainant, and complicity in a fraud on the court. The rest of the complaint consists of documents and transcripts from the bankruptcy proceedings.

Allegations challenging a judge's substantive and procedural rulings are not proper grounds for a misconduct complaint. Allegations directly related to the merits of a judge's decisions do not raise an inference of cognizable misconduct and must be dismissed. 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 remaining allegations—accusing one of the judges of bias, retaliation, and fraud—are wholly unsupported and frivolous. A misconduct complaint must be supported by sufficient facts to raise an inference that misconduct occurred. 28 U.S.C. § 352(b)(1)(A)(iii). The complainant contests some of the judge's rulings, but adverse rulings alone are not evidence of bias, retaliation, or any other improper conduct.

For the foregoing reasons, the complaints are 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.