

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

May 23, 2023

Chief Judge Diane S. Sykes

No. 07-23-90016

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presided in his criminal cases. He challenges several of the judge's rulings at the sentencing hearing, which was conducted by videoconference at the complainant's request. He further contends that the judge manipulated him into requesting that the hearing be conducted by videoconference. Finally, he claims that the judge was biased in favor of the government.

The allegations challenging the merits of judge's procedural and substantive 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 the judge of manipulation and bias—are wholly unsupported and frivolous. The complainant points to prior unrelated misconduct complaints against the judge but offers nothing to substantiate their relevance to his complaint. A misconduct complaint 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).

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.