

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

September 1, 2023

Chief Judge Diane S. Sykes

No. 07-23-90026

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against a bankruptcy judge who ruled against him on several motions he filed as a creditor. The complainant challenges the correctness of the judge's rulings; he also alleges that the judge "did not do his job as well" as the judge who was previously assigned to the case. Finally, the complainant contends that the judge did not listen to him, "muted" him, and erroneously "canceled" an order of the prior judge.

A misconduct proceeding is not the proper forum in which to challenge a judge's procedural or substantive decisions. Allegations that are 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. And the complainant's unsupported allegation that the judge did not listen to him is 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). Adverse rulings alone are not evidence of misconduct.

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.