

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

October 19, 2023

Chief Judge Diane S. Sykes

No. 07-23-90033

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presided in her criminal case and continues to handle her numerous postconviction motions (including motions for compassionate release, relief under 28 U.S.C. § 2255, and miscellaneous other requests). She challenges many of the judge's rulings in her criminal case and her postconviction requests; she also complains that the judge is taking too long to rule on her § 2255 motion. She alleges that her trial attorney was ineffective, the prosecutor committed misconduct (because he used "false evidence" to convict her), and the judge is biased against her (because he is siding with the prosecutor and the victim).

These allegations mostly challenge the merits of a judge's procedural and substantive rulings and thus 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 complainant's allegation of delay in connection with her § 2255 motion is also merits related and does not raise an inference of misconduct. § 352(b)(1)(A)(ii); *see also* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 4(b)(2) cmt. ("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."). The allegation of bias is 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). And the allegations regarding the actions of the attorneys are not within the purview of the Judicial Conduct and Disability Act. *Id.* § 352(b)(1)(A)(i).

Accordingly, the complaint is dismissed pursuant to § 352(b)(1)(A)(i), (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.