

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

November 28, 2023

Chief Judge Diane S. Sykes

No. 07-23-90043

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who handled several early hearings in his criminal case, including the initial appearance, arraignment, and a status conference in which the complainant asked to represent himself. The complainant alleges that the judge improperly entered an order setting bail conditions and failed to obtain his informed consent before conducting the proceedings telephonically. He also suggests that the judge improperly questioned his desire to represent himself and expressed disinterest in presiding over “a pro se criminal case.” Finally, the complainant claims that his counsel was ineffective.

Most of these allegations concern the merits of the judge’s decisions 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 judge’s passing comment about his disinclination to handle a pro se criminal case does not raise an inference of misconduct; the judge, who hears a partial caseload as a senior judge, immediately transferred the case to an active-duty judge. *Id.* r. 11(c)(1)(A) (requiring dismissal of a complaint if it “alleges conduct that, even if true, is not prejudicial to the effective and expeditious administration of the business of the courts”); *see also* 28 U.S.C. § 352(b)(1)(B) (providing that the chief judge may dismiss a complaint after a limited inquiry if the allegations lack a factual foundation or are conclusively refuted by objective evidence). The complainant’s allegations regarding his attorney are not within the purview of the Judicial Conduct and Disability Act. 28 U.S.C. § 352(b)(1)(A)(i).

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