

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

December 20, 2023

Chief Judge Diane S. Sykes

No. 07-23-90048

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who is presiding in his civil case. He challenges several of the judge's decisions, including a ruling regarding production of his medical records and the judge's requirement that he support his claims with an affidavit. He also alleges that the judge engaged in an "unconscionable delay" in screening his complaint, which he says presented a "medical emergency." Finally, he alleges that the judge exhibited bias and bigotry against him.

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. Allegations of delay are considered merits related. *See id.* r. 4(b)(2) ("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 and bigotry 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). Adverse rulings alone are not evidence of bias, bigotry, or any other 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.