

United States Court of Appeals
for the Seventh Circuit
219 South Dearborn Street
Chicago, Illinois 60604

Christopher G. Conway
Clerk of Court
312-435-5850

May 8, 2024

CONFIDENTIAL

Todd A. Dyer
#05409-089
Federal Prison Camp Leavenworth
P.O. Box 1000
Leavenworth, KS 66048

In Re: Complaint of Judicial Misconduct or Disability No. 07-24-90022

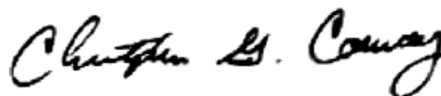
Dear Mr. Dyer:

Enclosed please find a memorandum and order regarding the disposition of your complaint of judicial misconduct or disability filed on March 5, 2024.

Pursuant to Rule 18(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, you may petition the judicial council of this circuit to review the memorandum and order. The petition for review must be presented in letter form, addressed to the clerk of court, signed by you, and state the reasons why the petition should be granted. The petition must be in an envelope marked "Misconduct Petition" or "Disability Petition," and the name of the subject judge must not be displayed on the envelope. The petition for review must be filed in the clerk's office of the United States Court of Appeals for the Seventh Circuit by June 19, 2024.

Please be advised that proceedings under the Judicial Conduct and Disability Act are confidential in accordance with 28 U.S.C. § 360(a) and Rule 23 of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings*.

Sincerely,



Christopher G. Conway
Clerk

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

May 8, 2024

Chief Judge Diane S. Sykes

No. 07-24-90022

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presided in his 2015 criminal case. He complains that the judge made no inquiries of his standby counsel at sentencing and failed to “revisit” the issue of waiver of counsel. He also accuses the judge of engaging in ex parte communications with his appointed standby attorneys because they sent a letter to the judge at the conclusion of the case concerning compensation under the Criminal Justice Act. Finally, he alleges, without support, that the judge harbored “extreme” bias against him.

The complainant’s allegations concerning his standby attorneys and revisiting his waiver of counsel are directly related to 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 allegation of bias is wholly unsupported and frivolous. Allegations of misconduct must be supported by sufficient facts to raise an inference that misconduct occurred; adverse rulings alone are not evidence of any type of misconduct. 28 U.S.C. § 352(b)(1)(A)(iii).

Accordingly, 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.