NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted February 3, 2023*
Decided February 3, 2023
Amended February 10, 2023†

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 22-1251

LEE ANN MCKAY,
Plaintiff-Appellant,

v.

CITY OF CHICAGO,
Defendant-Appellee.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 14 CV 10446

John J. Tharp, Jr.,
Judge.

O R D E R

Lee Ann McKay, a firefighter, sued the City of Chicago for violating Title VII of the Civil Rights Act of 1964. She alleged that the fire department discriminated against

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* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

† This amended order removes the words "now-retired" from the first sentence.

her on the basis of her sex, retaliated against her after she filed an internal discrimination complaint, and allowed a hostile work environment. After lengthy discovery, the district court entered summary judgment for the City. We affirm.

The defendants initially moved to dismiss McKay's Title VII complaint for failure to state a claim. The district court dismissed the Chicago Fire Department because it is not an independently suable entity[1] and it otherwise allowed the suit to proceed.

After four years of contentious discovery—including the exchange of thousands of documents, many hours of depositions, two motions to compel, and allegations of discovery misconduct from each side—both parties moved for summary judgment. The district court granted the City's motion and denied McKay's. It determined that McKay lacked sufficient evidence from which a reasonable jury could find that the City's actions were motivated by sex discrimination. It further concluded that the allegedly retaliatory actions were "well short" of adverse and that the mistreatment she alleged was not sufficiently severe or pervasive to support her hostile work environment claim.

On appeal, McKay does not dispute whether the entry of summary judgment for the City was correct. Indeed, she acknowledges in her reply brief that she has no interest in contesting the merits of the decision. Instead, she asks us to vacate the decision because of alleged bias by the district court, erroneous discovery rulings, and misconduct by the City and to allow her another chance to prove her claims.

McKay's assertion of judicial bias, *see* 28 U.S.C. § 455, fails because she points to nothing that could support this allegation. She states, for example, that the judge ruled on the motions for summary judgment "from a position of Anger," but does not tell us what led her to that conclusion. Regardless, impatience, annoyance, and even anger are not sufficient evidence of bias. *See Liteky v. United States*, 510 U.S. 540, 555–56 (1994); *United States v. Betts-Gaston*, 860 F.3d 525, 534–36 (7th Cir. 2017). She further asserts that the judge treated a motion to compel she filed with "absolute hostility," but again fails to direct us to any specific remarks, and we see none. Critical or hostile remarks do not show bias unless they reveal an opinion based on an extrajudicial source or reveal such a high degree of favoritism or antagonism that fair judgment is impossible. *Liteky*, 510 U.S. at 555. Lastly, she appears to assert that the judge showed bias when, in

[1] McKay seems to object to this ruling, but it was correct. The Fire Department is an "executive department of the city," CHI., ILL., MUN. CODE ch. 2-36, art. 1, § 2-36-110(a) (1990), and so it is not suable independently from the City of Chicago.

response to her motion for clarification of proper deposition procedures, he instructed the City's lawyers to refrain from certain practices but said: "I'm not sanctioning anybody. I'm sure I've … done many of these things myself. We all need reminding every once in a while … ." This remark explains the decision to admonish the lawyers but not impose sanctions; contrary to McKay's arguments, giving them "the benefit of the doubt" and referring to his experience did not reflect judicial bias. *Id.*; *see, e.g.*, *In re City of Milwaukee*, 788 F.3d 717, 719–23 (7th Cir. 2015). The district court judge was very patient and thorough throughout this hotly contested case.

McKay waives her other appellate arguments—objections to unspecified discovery rulings and what she calls deceptive and unethical discovery practices by the City—because she states conclusory arguments without supporting them. *See Shipley v. Chi. Bd. of Election Comm'rs*, 947 F.3d 1056, 1062–63 (7th Cir. 2020). She does not identify any specific rulings as erroneous, present grounds for sanctioning the defendants, explain how she was prejudiced, or otherwise develop her arguments. We cannot fill the void for her. *Id.; see Klein v. O'Brien*, 884 F.3d 754, 757 (7th Cir. 2018).

AFFIRMED