

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

February 11, 2009

FRANK H. EASTERBROOK
Chief Judge

No. 07-09-90020

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, the plaintiff in a pending suit, contends that the district judge has committed misconduct by not ruling on motions that complainant has filed.

Any complaint that is “directly related to the merits of a decision or procedural ruling” must be dismissed. 28 U.S.C. §352(b)(1)(A)(ii). The allegations of this complaint fit that description. “Any allegation that calls into question the correctness of an official action of a judge ... is merits related.” Standard 2 for Assessing Compliance with the Act, *Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice* 145 (2006). How long a judge takes to resolve particular submissions is one of the decisions integral to procedural rulings and hence is covered by this principle. *Id.* at 146 (“A complaint of delay in a single case is properly dismissed as merits related.”). A judge is entitled to address the most urgent cases first. The complaint does not allege that the judge is unable to resolve his business as a whole with appropriate dispatch.

This is the second proceeding under the 1980 Act that complainant has initiated within the last three months. When dismissing the previous complaint, No. 07-08-90109, I informed complainant about 28 U.S.C. §352(b)(1)(A)(ii). His current complaint does not mention that statute. Any future complaint that disregards the limits imposed by law will be dismissed summarily.