

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

August 17, 2010

FRANK H. EASTERBROOK
Chief Judge

No. 07-10-90052

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant asserts that the subject judge made erroneous rulings during the mid-1980s in a bankruptcy proceeding.

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). See also Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. "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). The allegations of this complaint fit that description. Complainant could have appealed 25 years ago. The 1980 Act is not a means to resurrect closed cases.

Complainant's history of frivolous litigation, and his failure to pay the resulting sanctions, led the court of appeals to enter an order under *Support Systems International, Inc. v. Mack*, 45 F.3d 185 (7th Cir. 1989). A *Mack* order prevents the person from filing or prosecuting civil suits until the sanctions have been paid. Because a *Mack* order does not affect filings under the 1980 Act, complainant seems to have moved the venue for his frivolous filings. Only three months ago, complainant filed another proceeding asserting that a judge had made an erroneous decision. When dismissing that proceeding (No. 07-10-90028), I informed complainant about §352(b)(1)(A)(ii). Yet his new complaint does not mention §352(b)(1)(A)(ii).

Complainant has 14 days to show cause why the Judicial Council should not enter an order curtailing his abuse of the 1980 Act's processes by requiring a deposit with any further complaint, a deposit that will be returned only if the complaint is non-frivolous. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.