

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

April 20, 2011

FRANK H. EASTERBROOK
Chief Judge

No. 07-11-90027

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the brother of a federal prisoner. Complainant acted on behalf of his brother by filing the brother's "Proof of Judicial Misconduct". This document specifies 20 grievances, most with subparts. The total comes to more than 100 supposed errors or omissions.

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. Most of the grievances concern the way in which the judge handled pretrial proceedings, conducted the trial, and imposed sentence. If the judge committed errors, the right forum for complaint was the court of appeals. (An appeal was taken, and the judgment was affirmed.)

Some of the allegations concern the performance of trial counsel, the court reporter, and the way in which the clerk of court assembled the record. These are outside the scope of the 1980 Act, which is limited to the conduct of federal judicial officers. To the extent that the complaint concerns anyone other than the judge, it is dismissed under 28 U.S.C. §352(b)(1)(A)(i).