

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

August 6, 2013

FRANK H. EASTERBROOK  
Chief Judge

No. 07-13-90055

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant contends that the district judge committed misconduct by declining to help him obtain counsel.

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. Whether to recruit counsel to represent a litigant is a procedural decision.

A judge’s action on this subject is open to appellate review after a final decision in the district court. Complainant allowed his suit to be dismissed for want of prosecution and did not file a notice of appeal. He cannot use the 1980 Act to obtain review in the Judicial Council, which is an administrative rather than a judicial body.