

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

November 25, 2014

Chief Judge Diane P. Wood

No. 07-14-90099

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM

Complainant has filed a judicial misconduct complaint against the judge assigned to his case. The complaint is that the judge delivered exhibits to the jurors which had inadvertently not been given to the jury with the other exhibits. Complainant argues that the judge's action lent undue weight to those exhibits.

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 complainant raised this issue in a Section 2255 petition and that was the proper way. This judicial misconduct complaint is not.

This complaint is dismissed pursuant to 28 U.S.C. §352(b)(1)(A)(ii).