

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

February 6, 2007

FRANK H. EASTERBROOK
Chief Judge

No. 07-7-352-2

IN RE COMPLAINT AGAINST THREE JUDICIAL OFFICERS

MEMORANDUM

The complaint alleges that the district judge who presided at his criminal trial engaged in misconduct by allowing a particular witness to testify, and that the two circuit judges who voted to affirm his conviction committed misconduct by failing to correct the district judge's error. (The third circuit judge on the panel filed a dissenting opinion and has not been charged with misconduct.) Complainant asserts that the witness received benefits that amounted to bribes.

It is evident from this statement of the grievance that the complaint must be dismissed summarily. A judicial-misconduct complaint is not a means to obtain review of a judge's rulings. 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). A judicial error is not judicial misconduct; what is more, the outcome of complainant's appeal shows that no error was committed.