

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

March 10, 2009

FRANK H. EASTERBROOK
Chief Judge

No. 07-09-90025

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is a federal prisoner, following a conviction that the court of appeals affirmed in 2007. He believes that the district judge should have suppressed certain evidence. He also thinks that the judge should make available to him the "entire sound tape" of a proceeding in his prosecution (apparently he believes that the transcript prepared by the court reporter is inaccurate).

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). Arguments related to the motion to suppress were presented to the court of appeals and rejected. The request for a tape recording led to a procedural ruling by the district court; it too is covered by §352(b)(1)(A)(ii). The Judicial Council, an administrative body, does not review rulings in the conduct of litigation.