

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

April 1, 2010

FRANK H. EASTERBROOK
Chief Judge

No. 07-10-90019

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, the plaintiff in a civil suit recently decided against him, accuses the presiding judge of racial discrimination. Complainant states that he believes that the judge “personally dislikes me for being a member of the African American race who has challenged employers on numerous occasions about civil rights issues.”

The form provided for filing complaints under the Judicial Conduct and Disability Act of 1980 directs complainants to provide “a brief statement of the specific facts on which the claim of judicial misconduct or disability is based.” “A complaint must contain a concise statement that details the specific facts on which the claim of misconduct or disability is based.” Rule 6(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. Complainant has provided no facts at all. He tells me that several of his suits have been assigned to the subject judge, but he does not tell me what occurrences have led him to conclude that the judge holds his race against him.

I have reviewed the district court’s opinion dismissing complainant’s most recent suit. The judge faulted the filings in that case for including only complainant’s conclusions, rather than the facts on which those conclusions were based. That problem is unrelated to complainant’s race—and the substitution of beliefs for facts has been repeated in complainant’s current filings.

Any complaint “lacking sufficient evidence to raise an inference that misconduct has occurred” must be dismissed. 28 U.S.C. §352(b)(1)(A)(iii). This complaint fits that description.