

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

June 28, 2012

FRANK H. EASTERBROOK
Chief Judge

No. 07-12-90038

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the plaintiff in a pending civil case. She asserts that the district judge is biased against her and must recuse himself.

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. A decision not to recuse oneself is a “procedural ruling” for this purpose. *Report* at 146.

Complainant asked the judge to disqualify himself and filed this complaint the same day. The judge has not yet ruled. If the judge denies the motion, review can be sought in the court of appeals by a petition for mandamus or an appeal from the final decision. The 1980 Act does not authorize the Judicial Council to intervene in ongoing litigation.