

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

November 26, 2012

FRANK H. EASTERBROOK
Chief Judge

Nos. 07-12-90083 and -90084

IN RE COMPLAINT AGAINST TWO JUDICIAL OFFICERS

MEMORANDUM

Complainant filed a suit that defendants removed to federal court, which dismissed the suit as frivolous. Complainant asserts that the judge's order "lacks any nexus to the substantive fundamental issue of Constitutional rights, statutes and law" and must be a product of religious prejudice.

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.

Ordinarily an appeal would be the right means to test the correctness of the district court's decision. Complainant cannot appeal, however, because, in light of complainant's history of filing frivolous suits and never paying required fees, the Seventh Circuit has entered an order blocking his litigation until all fees have been paid. This order does not allow complainant to use the 1980 Act as an indirect means of securing review. If complainant wants to file new federal suits, or pursue in federal court suits that are properly removed from state court, he must do as the Seventh Circuit instructed: he must pay overdue fees assessed in his earlier cases.