

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

August 6, 2013

FRANK H. EASTERBROOK
Chief Judge

No. 07-13-90054

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant filed and lost a civil suit. He contends that the district judge suffers from a mental or physical disability.

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. The judge’s adverse decision is the only “evidence” of disability the complaint adduces. Section 352(b)(1)(A)(ii) cannot be sidestepped by the label a complaint attaches to his disagreement with the judge’s action. The judge’s opinion, and the way a decision is explained, are within the scope of §352(b)(1)(A)(ii). See *In re Complaint of Judicial Misconduct*, 517 F.3d 558 (Judicial Conference 2008).

The court of appeals, not the Judicial Council, is the right forum for a contention that a district judge erred or wrote an inadequate opinion. Complainant filed an appeal, which the court of appeals dismissed after complainant failed to file a brief despite receiving multiple extensions of time. The 1980 Act does not allow an unsuccessful litigant to use the Judicial Council as an alternative forum for review.