

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

September 2, 2008

FRANK H. EASTERBROOK
Chief Judge

No. 07-08-90075

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a federal prisoner, contends that a district judge should permit him to file additional suits *in forma pauperis* without prepaying the normal filing fee. The district judge believes that complainant's prior suits disentitle him to this privilege. See 28 U.S.C. §1915(g). Complainant believes that the judge is mistaken, and he wants the Judicial Council to direct the district court to change its rulings on the subject.

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).

This is the third time within the past year that complainant has attempted to use the Judicial Conduct and Disability Act of 1980 to obtain review of a judge's decisions. When dismissing his earlier complaints, I informed complainant about §352(b)(1)(A)(ii). My memorandum dismissing the last complaint he filed added: "[The] current complaint ignores that statute and my prior decision. I now notify complainant that any further use of the 1980 Act on his behalf will be treated as frivolous unless he makes a *bona fide* effort to show how his grievances are compatible with §352(b)(1)(A)." The current complaint ignores both §352(b)(1)(A) and my prior decisions.

It is now evident that complainant is unwilling or unable to respect the limits of the 1980 Act. I therefore direct complainant to show cause why the Judicial Council should not enter an order, under Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, curtailing his abuse of the 1980 Act's processes. The Council's order in proceeding No. 07-7-352-20 provides that future complaints from a person who had abused the 1980 Act would not be received for filing unless accompanied by a deposit of \$1,000, which would be returned if and only if the Chief Judge determines that the complaint is non-frivolous. Complainant has 14 days to address the question whether the Council should enter a similar order concerning him. The Clerk will furnish complainant with a copy of the Council's order in No. 07-7-352.20.