

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

July 16, 2008

FRANK H. EASTERBROOK  
Chief Judge

No. 07-08-90060

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a federal prisoner, has filed another in a series of complaints about the district court's handling of his criminal case.

When dismissing the previous two complaints, I informed complainant that 28 U.S.C. §352(b)(1)(A)(ii) requires the chief judge to dismiss any contentions that are "directly related to the merits of a decision or procedural ruling". This language covers not only the merits but also procedural matters, such as whether a judge should have recused himself. See Standard 2 for Assessing Compliance with the Act, *Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice* 146 (2006).

Complainant asserts that the judge should have recused himself. (Actually he did so in December 2007; complainant's post-conviction challenges are being handled by a different judge.) He also expresses dissatisfaction with the lawyers the court appointed to represent him. Complainant ran through quite a few; the judge displayed patience in continuing to recruit counsel for a very difficult client. Complainant believes that the judge should not have followed the Sentencing Guidelines' approach to crack cocaine. These arguments all are within the scope of §352(b)(1)(A)(ii). All were, or could have been, raised on appeal. (The court of appeals affirmed complainant's conviction and sentence, and the Supreme Court denied complainant's petition for a writ of certiorari.)

The latest complaint does not mention my earlier orders or make any attempt to show that the allegations are compatible with §352(b)(1)(A)(ii). Complainant must understand that any further complaint under the Judicial Conduct and Disability Act of 1980 will be dismissed summarily—and that I will ask the Judicial Council to enter an order curtailing complainant's abuse of the 1980 Act's procedure—unless complainant makes a serious effort to show how his allegations come within the 1980 Act.