

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

December 1, 2009

FRANK H. EASTERBROOK  
Chief Judge

No. 07-09-90133

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, the plaintiff in civil litigation, contends that the district judge took too long to resolve his complaint, and then erred by deciding the case adversely to him without considering the proposed amendments to the complaint.

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. Whether the judge erred is a question that can be presented on appeal (one is pending). And concerns about delay in a single case likewise come within §352(b)(1)(A)(ii). See *Report* at 146. All delay is unfortunate, but deciding which cases are most in need of scarce judicial time is a procedural ruling. (Complainant does not contend that the subject judge is unable or unwilling to handle his entire docket with appropriate dispatch; his grievance concerns the handling of his case only.)