

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

December 18, 2007

FRANK H. EASTERBROOK
Chief Judge

No. 07-7-352-52

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a disappointed litigant, has expressed his frustrations by suing the judges who have ruled against him. His latest suit was assigned to another judge in the same district and dismissed because the defendants have absolute immunity. Now complainant has not only filed a suit against the judge who took this latest action but also filed this complaint under the Judicial Conduct and Disability Act of 1980.

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). Complainant’s belief that the judge should have recused himself from a suit against other judges of the same district is within this rule. A judge’s decision to continue presiding is “directly related to the merits of a ... procedural ruling” unless the judge knows that he is disqualified. See *id.* at 146. Complainant’s appropriate action is to take an appeal.