

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

February 7, 2012

FRANK H. EASTERBROOK
Chief Judge

No. 07-12-90007

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is a state prisoner, whose filings in civil litigation are subject to the Prison Litigation Reform Act. A district judge has concluded that complainant has filed three or more frivolous suits or appeals and therefore must prepay all filing fees for future suits, unless he is “under imminent danger of serious physical injury.” 28 U.S.C. §1915(h). Complainant contends that he is in imminent danger and therefore that he may continue to litigate without prepayment. The district judge has concluded otherwise, and complainant asserts that this constitutes misconduct.

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. Adverse decisions by a district judge are reviewable in the court of appeals, not under the 1980 Act.