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

November 26, 2012

FRANK H. EASTERBROOK
Chief Judge

Nos. 07-12-90086 to -90090

IN RE COMPLAINT AGAINST FIVE JUDICIAL OFFICERS

MEMORANDUM

Complainant is a state prisoner. A decision of the Seventh Circuit put his collateral attack on hold pending evidence that he is mentally competent to assist his lawyer. Complainant believes that, because he has never been adjudicated insane, collateral review should proceed, and that all five judges involved in the proceedings (three circuit judges and two district judges) have committed 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. The way to obtain review of an appellate decision is to seek a writ of certiorari from the Supreme Court. The 1980 Act does not create an alternative route of review, nor does it supply a remedy for someone who would prefer that the district judge not carry out the court of appeals' directions. A case presenting the issue that the Seventh Circuit resolved is before the Supreme Court in *Ryan v. Gonzales*, No. 10–930 (argued October 9, 2012). If the Supreme Court should reverse in *Ryan*, complainant could ask the judiciary to reactivate his petition for collateral review. But the 1980 Act does not play a role in such a proceeding.

Complainant also contends that a state judge has committed misconduct. The 1980 Act applies only to federal judicial officers, however, so I have disregarded all allegations concerning the state judiciary.