

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

January 14, 2009

FRANK H. EASTERBROOK
Chief Judge

No. 07-08-90113

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the plaintiff in a pending civil suit. She alleges that the district judge committed misconduct by behaving uncivilly. In particular, complainant alleges, the judge once called her drunk (she says that she was sick, not drunk), and that "[o]n another occasion he said to me that I stink which I do not."

Complainant did not provide the dates on which the judge supposedly said these things. I therefore asked the judge to have transcripts prepared of every occasion on which complainant was present in court. I have reviewed these transcripts, which do not bear out complainant's allegations. The judge's remarks are consistently civil. Neither of the alleged statements appears in any transcript. The court reporter has certified that these transcripts are complete, and the subject judge has informed me that he did not make either of the statements that the complainant attributes to him.

Given the results of this limited inquiry under 28 U.S.C. §352(a) and Rule 11(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, I dismiss this complaint because its allegations "are conclusively refuted by objective evidence". 28 U.S.C. §353(b)(1)(B).

Complainant also asserts that the judge is biased against her. The complaint contains no details, and this aspect therefore is dismissed under §352(b)(1)(A)(iii). My review of the transcripts shows not a hint of bias. Indeed, the judge has been consistently helpful to complainant, showing her how to identify the appropriate defendant and accomplish service of process. In the last of the status conferences the judge granted her request to recruit counsel to provide additional assistance.