

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

February 9, 2009

FRANK H. EASTERBROOK
Chief Judge

No. 07-09-90018

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a state prisoner, believes that he is entitled to release by a writ of habeas corpus under 28 U.S.C. §2254. He filed a petition in federal court seeking that relief, but the district judge dismissed the petition after concluding that complainant had not exhausted available state remedies. Complainant believes that this decision is mistaken.

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 is entitled to present his arguments to the court of appeals. The Judicial Council is an administrative body and does not review contentions that judges made incorrect rulings.

The complaint accuses the judge of bias but does not provide any evidence for that assertion beyond the supposedly incorrect decision. At least one litigant loses in every lawsuit; that complainant has not achieved the result he desires does not provide the slightest evidence that the judge is biased against him. See *Liteky v. United States*, 510 U.S. 540 (1994).