

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

June 24, 2009

FRANK H. EASTERBROOK
Chief Judge

No. 07-09-90073

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant was the plaintiff in two civil actions. The same judge was assigned to both and decided each suit adversely to complainant. He believes that the judge committed misconduct by not deciding the suits in his favor—or at least by collecting the regular filing fees before deciding against complainant. The complaint says that the subject judge “required me to pay filing fees out of my disability monies and then he dismissed my suits, causing me to lose money.”

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).

The appropriate forum for complainant’s argument that the district judge erred would have been the court of appeals. A complaint under the 1980 Act is not an alternative forum. The Judicial Council is an administrative rather than a judicial body. And complainant must recognize that filing fees are payable whether or not the plaintiff prevails. If a plaintiff wins, then the defendant must reimburse the plaintiff’s costs of suit. But a plaintiff who files and loses does not get the fees back.