

Judicial Council of the Seventh Circuit.
219 South Dearborn Street
Chicago, Illinois 60604

July 21, 2009

Circuit Judge Richard A. Posner*

No. 07-09-90077

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM

Complainant has filed a judicial misconduct complaint against a judge who ruled against him. The complaint is that the judge used erroneous information, conspired with other judges, ignored his duty to support the Constitution, and deviated from the law. There are other such allegations in the complaint. The underlying basis for the complaint is that the judge erred in his decision involving complainant's litigation.

A judicial misconduct proceeding is not a permissible alternative to an appeal. It is not an error-correction device. See House of Representatives Report No. 96- 1313, 96th Cong., 2nd Sess. (1980) at 10. If the judge erred, the remedy is not through the judicial misconduct complaint process. Section 352(b)(1)(A)(ii) of Title 28 of the United States Code and Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings specifically exclude allegations calling into question the correctness of a judge's ruling.

In complaining about the judge's ruling, complainant also accuses the judge of misdeeds but offers no proof, just complainant's allegations which he also makes about other judges. Rule 11(c)(1)(D) provides that a complaint based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred must be dismissed. That rule describes this complaint.

This complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (iii) and Rule 11(c)(1)(B) and (D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

* This complaint was assigned to Circuit Judge Richard A. Posner pursuant to 28 U.S.C. § 351(c).