

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

August 19, 2009

FRANK H. EASTERBROOK  
Chief Judge

No. 07-09-90080

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a prisoner representing himself in a suit against the warden, believes that the district judge sent an improper letter to the prison requiring the prison to turn over funds in complainant's account.

There is nothing improper about the letter, which is not *ex parte*. A copy was placed in the case file. Communications of this sort are authorized (indeed, required) in order to implement 28 U.S.C. §1915(b), which requires prisoners to pay the filing fees for their suits either in advance or by installments. What is more, 28 U.S.C. §352(b)(1)(A)(ii) provides that the Judicial Conduct and Disability Act of 1980 cannot be used to contest a judge's official actions. "Any allegation that calls into question the correctness of an official action of a judge" is covered by this subsection. 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 court of appeals has held that complainant's prior frivolous suits require him to prepay the fees for all new suits and appeals. See §1915(g). Payment does not depend on state law, or a litigant's consent; anyone who files a suit or complaint becomes liable immediately for all filing fees.

This is complainant's second grievance concerning the same litigation. My prior order cited §352(b)(1)(A)(ii); complainant ignores that statute. Any future complaint that does not make a serious effort to explain how it is compatible with §352(b)(1)(A)(ii) will be dismissed summarily.