

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

October 19, 2009

Circuit Judge Richard A. Posner*

Nos. 07-09-90085
07-09-90086
07-09-90087
07-09-90088
07-09-90089

IN RE COMPLAINT AGAINST FIVE JUDGES

MEMORANDUM

Complainant has filed judicial misconduct complaints against five judges. The basis for these complaints is that the judges fraudulently ruled against complainant. There are also allegations that the docket in complainant's subsequent case is not correct and that it was altered by unknown persons "in the interest of" two of the complained about judges. Nothing in these complaints establishes any basis that the judges engaged in misconduct, there are only allegations with nothing further. As to the alleged inaccuracies in the docket, the judicial misconduct complaint process is not the proper forum to correct the court's docket even if there are errors.

Although the rulings are alleged to be fraudulent, the real basis for the complaints is that the rulings are erroneous. 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 judges 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.

Therefore this complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and Rule 11(c)(1)(B) 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).