

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

November 20, 2009

FRANK H. EASTERBROOK
Chief Judge

Nos. 07-09-90129 through -90131

IN RE COMPLAINT AGAINST THREE JUDICIAL OFFICERS

MEMORANDUM

Complainant, a defendant in a pending criminal prosecution, contends that the district judge assigned to the case, and two magistrate judges, have committed treason and misprison of treason.

This grievance stems from the fact that they have presided as judicial officers, not from any particular misconduct said to have occurred in that capacity. Complainant believes that the entire criminal code is unconstitutional and that no judge has jurisdiction to hear charges of crime in any of the states. According to complainant, the national government's authority extends only to the territories, such as Guam, and anyone who acts on any other view of the law commits treason. (Complainant allows that federal power also may extend to buildings owned by the national government, or to other places with the states' consent.)

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). See also Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability proceedings. "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 allegations of this complaint fit that description. Complainant may present his contentions to the court of appeals after a final decision has been made in the district court.