

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

December 29, 2009

FRANK H. EASTERBROOK
Chief Judge

No. 07-09-90138

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the plaintiff in pending civil litigation. His lawyer moved to withdraw; the district judge granted that motion. Complainant believes that the judge should have compelled the lawyer to continue representing him or should have imposed sanctions on the lawyer, who complainant believes has defrauded him by accepting payment without providing agreed services; complainant maintains that the judge's decision constitutes misconduct.

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. The judge made a procedural decision. If it was erroneous, the remedy lies on appeal from a final decision (or in a malpractice suit against the attorney) rather than a complaint under the 1980 Act.