

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

January 21, 2010

Circuit Judge Richard A. Posner\*

Nos. 07-10-90002, 07-10-90003 and 07-10-90004

IN RE COMPLAINTS AGAINST THREE JUDGES

### MEMORANDUM

Complainant has filed judicial misconduct complaints against three judges. The basis for these complaints is that the judges failed to consider evidence in the form of an affidavit. Complainant requests the reopening of an appeal.

A judicial misconduct proceeding is not a permissible alternative to the appellate process. 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.

\*These complaints were assigned to Circuit Judge Richard A. Posner pursuant to 28 U.S.C. § 351(c).