

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

March 4, 2010

FRANK H. EASTERBROOK
Chief Judge

No. 07-10-90010

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the plaintiff in pending civil litigation. He consented to the entry of final decision by a magistrate judge, 28 U.S.C. §636(c), and now accuses the magistrate judge of misconduct—but I can't tell why.

The complaint narrates that the suit was filed, that process was issued and served, that defendant answered the complaint, that complainant has been allowed to proceed in forma pauperis, and that briefs have been submitted. The case is under advisement. Complainant believes that the defendant (a federal agency) committed fraud, and that the lawyer who submitted a brief on behalf of the agency is attempting to defraud the court. But how this implies any misconduct by the subject judge is a mystery.

I dismiss this complaint under 28 U.S.C. §352(b)(1)(A)(i) because it does not allege any misconduct (does not, indeed, allege any *conduct*) by the subject judge and therefore is not within the scope of the Judicial Conduct and Disability Act of 1980. Complainant should wait for the court to make a final decision. If he is dissatisfied with the outcome, he may appeal to the court of appeals. The 1980 Act does not authorize me to superintend the conduct of ongoing litigation.