

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

October 7, 2010

FRANK H. EASTERBROOK
Chief Judge

No. 07-10-90065

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant filed a civil suit in federal court. Within two weeks, the district judge dismissed the suit as barred by the *Rooker-Feldman* doctrine. See *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983). Complainant believes that the district judge acted precipitately, that the judge did not understand his allegations, and that the court should not have accepted the filing fee if the judge thought the suit frivolous.

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. If complainant believes that the judge erred, the remedy is by appeal (complainant still has time to file a notice of appeal), not by a proceeding under the 1980 Act. The Judicial Council is an administrative rather than a judicial body.

A filing fee is payable on the commencement of any suit. Litigants whose suits are frivolous, or fall outside federal jurisdiction, are not entitled to their money back. It may be that the judge overlooked some aspects of complainant’s claim and that the complaint should not have been dismissed, but that is a matter for appeal rather than for this proceeding.