

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

November 1, 2010

FRANK H. EASTERBROOK
Chief Judge

No. 07-10-90071

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant filed a civil suit seeking relief on behalf of the estate of his deceased brother. He is not a lawyer and therefore cannot represent another person or entity in litigation. The district judge recruited counsel to assist complainant. After the lawyer concluded that the suit is frivolous, the judge permitted him to withdraw and dismissed the suit. Complainant contends that the judge committed misconduct by believing the lawyer, by dismissing the suit, and by acting at all; complainant asserts that the judge must be biased, because an impartial judge would have decided in his favor.

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. Both the decision to dismiss the suit and the decision to hear it in the first place, rather than recuse, are covered by §352(b)(1)(A)(ii). Complainant should present his arguments to the court of appeals; the Judicial Council is an administrative rather than a judicial body.