

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street  
Chicago, Illinois 60604

January 12, 2011

FRANK H. EASTERBROOK  
Chief Judge

Nos. 07-11-90005 to -90008

IN RE COMPLAINT AGAINST FOUR JUDICIAL OFFICERS

MEMORANDUM

Complainant was the plaintiff in civil litigation that was resolved last year. She accuses the district judge, and the three appellate judges, of misconduct.

The district judge in question has resigned and is no longer a federal judge. The Judicial Conduct and Disability Act of 1980 applies only to persons who are currently judicial officers. This aspect of the complaint is dismissed under 28 U.S.C. §352(b)(1)(A)(i) because it is outside the scope of the Act.

The complaint against the three circuit judges relies entirely on their adverse ruling. 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. Neither the substance of the appellate decision, nor the language in the opinion, can be reviewed by the Judicial Council, which is an administrative rather than a judicial body.

Complainant disagrees with the adverse decisions, but she must understand that the suit is over. Neither more filings in the court of appeals, nor this complaint, are appropriate responses to a disappointing outcome of litigation.