

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

February 4, 2011

FRANK H. EASTERBROOK
Chief Judge

No. 07-11-90011

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the petitioner in a proceeding recently dismissed by a district judge. He contends that the judge committed misconduct by making these adverse rulings.

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 the judge erred, the remedy is by appeal. The Judicial Council is an administrative body, not an appellate tribunal. To the extent that the complaint concerns the rulings’ language, that too is covered by §352(b)(1)(A)(ii). See *In re Complaint of Judicial Misconduct*, 517 F.3d 558 (Committee on Judicial Conduct & Disability 2008). Choosing how to explain a decision is part of the judicial function.