

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

February 9, 2011

FRANK H. EASTERBROOK
Chief Judge

No. 07-11-90012

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a federal prisoner, contends that the judge who presided at his trial and has handled several post-judgment motions has ruled incorrectly and must be biased against him.

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. The judge’s adverse rulings are the only evidence of bias that complainant offers. It is not possible to obtain review by the Judicial Council of a district judge’s decisions by relabeling them as evidence of bias. See *Liteky v. United States*, 510 U.S. 540 (1994). The court of appeals is the appropriate forum for review of a district judge’s rulings. Complainant’s conviction and sentence have been affirmed on appeal. Other appeals have been filed and dismissed, or remain pending. The Judicial Council, an administrative body, is not a substitute for appellate review.