

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

February 24, 2011

FRANK H. EASTERBROOK
Chief Judge

No. 07-11-90020

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant pleaded guilty to fraud and served his sentence. Several years after being released, complainant filed a motion for collateral review. A district judge denied this motion because it was untimely. 28 U.S.C. §2255(f). The motion was also deficient because complainant was not in custody. 28 U.S.C. §2255(a). Complainant contends that the judge committed misconduct by denying his motion, because it alerted the judge to wrongs committed by prosecutors and defense attorneys, yet the judge did nothing.

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.

A federal judge is not an ombudsman. A judge’s duty is to decide cases according to law—here, the timeliness and custody requirements. A judge need not investigate allegations of lawyers’ transgressions. That is a task for bar associations and law-enforcement agencies.