

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street  
Chicago, Illinois 60604

March 7, 2011

FRANK H. EASTERBROOK  
Chief Judge

No. 07-11-90021

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a prisoner, has filed and lost multiple civil suits in district court. He accuses the judge of bias 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 adverse decisions are only foundation for the assertion that the judge is biased against him. Yet the ordinary reason for an adverse decision—the lack of merit to the claims—does not imply bias. It takes evidence to show that the adverse decision comes from some reason unrelated to the merits, and complainant does not supply any. Likewise the contention that the judge has improperly referred some matters to a magistrate judge deals with a procedural ruling that is covered by §352(b)(1)(A)(ii).

Complainant also asserts that the judge is using her “office to obtain special treatment for friends of relatives” and has engaged in “improper discussions with parties for one side of the case”. Again the complaint omits particulars. The 1980 Act does not require detailed pleading, but a charge that is without *any* evidentiary support is defective and is dismissed under §352(b)(1)(A)(iii).