

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

November 8, 2011

FRANK H. EASTERBROOK
Chief Judge

No. 07-11-90066

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the plaintiff in a civil suit recently decided by a district court. He contends that the judge committed misconduct by referring to him as a citizen of Wisconsin. Complainant asserts that, because he has not consented to any legal obligations under state law, he is not a citizen of the state.

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 contents of a judicial opinion, no less than the substance of the decision, are covered by §352(b)(1)(A)(ii).

Complainant’s belief that he is not a citizen of the state also misunderstands how citizenship is determined. Section 1 of the Fourteenth Amendment to the Constitution provides: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are Citizens of the United States and of the State wherein they reside.” Complainant therefore is a citizen of his home state whether or not he has agreed to abide by his legal obligations.