

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

March 15, 2012

FRANK H. EASTERBROOK
Chief Judge

No. 07-12-90011

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainants were recently convicted of several federal crimes. After the court of appeals remanded some charges for a new trial, the prosecutor dismissed those counts and complainants were resentenced on the remaining counts. The court of appeals affirmed those convictions and sentences. Complainants contend that the district judge committed misconduct in the trial and sentencing.

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. Almost everything in the complaint concerns rulings the judge made during and after trial.

Complainants call the district judge a “judge for hire” who must have been doing the prosecutor’s bidding. A litigant cannot get around §352(b)(1)(A)(ii) by insulting the judge. An accusation of bribery (that’s what “judge for hire” means) must be supported by evidence. Complainants offer none. They simply disagree with some of the judge’s rulings. These contentions were, or could have been, presented to the court of appeals. The Judicial Council is not a forum for another round of appellate review.

The complaint contains many accusations against the prosecutors and witnesses. The 1980 Act applies only to members of the federal judiciary, however, so I disregard those accusations.