

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

May 9, 2012

FRANK H. EASTERBROOK
Chief Judge

No. 07-12-90026

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the plaintiff in a civil suit. Because complainant is a prisoner, 28 U.S.C. §1915A requires judicial screening before the defendants are served with process. He contends that the district court has committed misconduct because four months have passed since the suit was filed, but the court has not issued its decision with respect to screening.

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. Deciding which cases deserve priority attention is a procedural matter, so claims of delay in a single suit are within the scope of §352(b)(1)(A)(ii). See *Report* at 146.

Complainant also asserts that the judge is biased against him. The only basis for this assertion, however, is adverse rulings in other suits complainant has filed. Adverse rulings do not show bias. See *Liteky v. United States*, 510 U.S. 540 (1994). What is more, a decision to continue serving in any given suit also is a procedural ruling to which §352(b)(1)(A)(ii) applies. The court of appeals, not the judicial council, is the forum for review of a contention that a district judge should have recused himself.