

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT
219 South Dearborn Street
Chicago, Illinois 60604

May 31, 2012

FRANK H. EASTERBROOK
Chief Judge

No. 07-12-90031

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a federal prisoner, filed a collateral attack under 28 U.S.C. §2255. A district judge recently denied complainant's request for relief, and complainant accuses the judge of misconduct. Complainant believes that the judge should have ruled in his favor.

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. If the judge erred, the remedy is by appeal, not a complaint under the 1980 Act.

Complainant recently filed another charge (No. 07-12-90010) against the same judge. In dismissing it, I alerted complainant to §352(b)(1)(A)(ii) and its interpretation by the *Report to the Chief Justice*. Nonetheless, the current complaint does not mention that statute. Any further complaint that does not make a serious effort to show how it is compatible with §352(b)(1)(A)(ii) will be dismissed summarily, and I will order complainant to show cause why the Council should not take steps to curtail his abuse of the 1980 Act's processes.