

Judicial Council of the Seventh Circuit.
219 South Dearborn Street
Chicago, Illinois 60604

July 5, 2012

Circuit Judge Richard A. Posner*

Nos. 07-12-90034, 07-12-90035, 07-12-90036

IN RE COMPLAINT AGAINST THREE JUDGES

MEMORANDUM

Complainant has filed judicial misconduct complaints against three judges. The basis for these complaints is that the judges dismissed complainant's appeal, refused to recuse themselves, made a "baseless statement," and "cast aspersion" on complainant.

There is no misconduct in the language used in the decisions of the judges. As to the decision not to recuse and the decision to dismiss the appeal, judicial misconduct complaints are not an alternative to an appeal. It is not an error-correction device. See House of Representatives Report No. 96-1313, 96th Cong., 2nd Sess. (1980) at 10. If the judges erred, the remedy is not through the judicial misconduct complaint process. Section 352(b)(1)(A)(ii) of Title 28 of the United States Code and Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings specifically exclude allegations calling into question the correctness of a judge's ruling.

Therefore these complaints are dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

*These complaints were assigned to Circuit Judge Richard A. Posner pursuant to 28 U.S.C. §351(c).