

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

July 26, 2012

FRANK H. EASTERBROOK
Chief Judge

Nos. 07-12-90049 to -90053

IN RE COMPLAINT AGAINST FIVE JUDICIAL OFFICERS

MEMORANDUM

Complainant has filed and lost two appeals in the court of appeals. Five circuit judges have served on the panels that resolved these appeals. Complainant accuses all five of misconduct.

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 complaint is directed squarely to the outcomes of the appeals and to the contents of the court’s decisions. Complainant is certain that he is right and the judges wrong. But under §352(b)(1)(A)(ii) such arguments must be directed to the Supreme Court of the United States rather than the judicial council.

Last March complainant accused the district judge of misconduct. My order dismissing that complaint (No. 07-12-90013) informed him about §352(b)(1)(A)(ii). His 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 judicial council should not take steps to curb his misuse of the 1980 Act. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.