

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

August 14, 2012

Circuit Judge Richard A. Posner

No. 07-12-90054

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM

Complainant has filed a complaint against a judge who made a decision in a case in which complainant is a party. The complaint is directly related to the language used in the decision. A judicial misconduct proceeding is not a permissible alternative to an appeal. It is not an error- correction device. See 28 U.S.C. § 351 and House of Representatives Report No. 96- 1313, 96th Cong., 2nd Sess. (1980) at 10. If the judge erred, the remedy is not through the judicial misconduct complaint process. Rule 3(h)(3)(A) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings specifically excludes allegations calling into question the correctness of a judge's ruling. The language used by the judge in the decision did not constitute misconduct. This complaint is 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.

*This complaint was assigned to Circuit Judge Richard A. Posner pursuant to 28 U.S.C. § 351(c).