

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street  
Chicago, Illinois 60604

August 8, 2012

FRANK H. EASTERBROOK  
Chief Judge

No. 07-12-90060

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the plaintiff in a pending civil case. She asserts that the district judge is biased against her and must recuse himself.

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. A decision not to recuse oneself is a “procedural ruling” for this purpose. *Report* at 146.

Approximately five weeks ago, complainant filed a substantially identical complaint (No. 07-12-90038), which I dismissed on the basis of §352(b)(1)(A)(ii). I told complainant that the Court of Appeals, not the Judicial Council, is the proper forum for her contentions. The current complaint does not mention §352(b)(1)(A)(ii) or my decision. 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 curtail this apparent abuse of the 1980 Act’s processes. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.