

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

October 22, 2012

FRANK H. EASTERBROOK
Chief Judge

No. 07-12-90078

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant filed a suit, which the district judge dismissed as frivolous. He now accuses the judge of bias.

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, because the adverse decision is the sole basis of the complaint. Section 352(b)(1)(A)(ii) cannot be avoided by accusing the judge of bias, when the only “evidence” of bias is the complainant’s belief that he should have prevailed. The remedy for error is by appeal, not a complaint under the 1980 Act.