

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

October 25, 2012

FRANK H. EASTERBROOK
Chief Judge

No. 07-12-90079

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant filed a civil suit and sought to proceed *in forma pauperis*. The district judge ordered him to file an amended complaint, and supply financial details, within 45 days. Complainant ignored this order, and the district judge dismissed the suit. He now accuses the judge of misconduct. His complaint reads, in full: "Judge discriminated on a case which had been removed from his court."

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. If the judge erred, the remedy is by appeal rather than a complaint under the 1980 Act.

An unelaborated claim of "discrimination" does not negate §352(b)(1)(A)(ii). The only evidence of "discrimination" to which complainant points is the adverse decision. The statement that the case "had been removed from" the subject judge's court is mysterious. Proceedings to consolidate multidistrict litigation may have been contemplated, but the Panel on Multidistrict Litigation has not entered an order. At all events, this too would be a subject for appeal.