

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

November 26, 2012

FRANK H. EASTERBROOK
Chief Judge

No. 07-12-90085

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Following his arrest on a criminal charge, complainant was held in prison. He contends that the magistrate judge committed misconduct by denying his request for release on bail and by appointing a defense attorney other than the person complainant wanted. He believes that all testimony against him was perjured and that the magistrate judge should not have believed it.

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. Decisions about bail can be reviewed by district judges and the court of appeals. The 1980 Act does not create an alternative forum for review. A decision about the validity of charges, and which attorney to appoint, likewise are procedural rulings.