

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

December 5, 2012

FRANK H. EASTERBROOK
Chief Judge

Nos. 07-12-90092 and -90093

IN RE COMPLAINT AGAINST TWO JUDICIAL OFFICERS

MEMORANDUM

Complainant, a state prisoner, filed an action in state court naming as defendants multiple persons, including the President of the United States. The President removed the action to federal court, which bifurcated the proceeding into one seeking collateral relief from the judgment of imprisonment and a second seeking other kinds of relief. The collateral-review aspect of the proceeding was assigned to a different district judge. Both judges ultimately made decisions adverse to complainant, who accuses them of misconduct for doing so.

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.

Appeal is the proper mechanism to contend that a district judge erred. Complainant did appeal the order denying her request for release from prison, and the court of appeals declined to issue a certificate of appealability. Complainant did not appeal the final decision in the rest of the litigation and cannot use the 1980 Act as a means of obtaining belated review.