## THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street Chicago, Illinois 60604

March 14, 2013

Frank H. Easterbrook Chief Judge

No. 07-13-90014

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

## **MEMORANDUM**

Complainant is the subject of multiple orders that restrict his filings until he pays sanctions that have been imposed for frivolous litigation. He contends that a judge who entered one of these orders committed misconduct.

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. Complainant believes that the orders should not have been entered. That could have been the subject of a petition for rehearing, and potentially a petition for a writ of certiorari. The 1980 Act does not permit the Judicial Council to address the merits of judicial decisions. Section 352(b)(1)(A)(ii) cannot be evaded by asserting, as complainant does, that a judge of the court of appeals has "conspired" with a district judge. There is nothing wrong with communication among judges. Nor can it be evaded by a general assertion of bias. See Rule 3(h)(3)(A) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. What is more, the only foundation for the claim of bias is the adverse decision, which does not support an inference of bias. See Liteky v. United States, 510 U.S. 540 (1994).