

Judicial Council of the Seventh Circuit  
219 S. Dearborn Street  
Chicago, Illinois 60604

May 1, 2013

Circuit Judge Joel M. Flaum\*

Nos. 07-13-90023  
07-13-90024  
07-13-90025

IN RE COMPLAINT AGAINST THREE JUDGES

MEMORANDUM

Complainant has filed a judicial misconduct complaint naming three judges. An accompanying attached statement makes unsupported allegations about the judges, certain prosecutors and others contending that they all conspired to convict the complainant. The attached statement also references a variety of sources including statutes, the code of conduct, case law, and the facts of complainant's underlying conviction, affirmance, and subsequent post conviction proceedings.

The complainant is apparently seeking to vacate his conviction although he disclaims that his complaint is in regard to the merits of his case. A judicial misconduct proceeding is not a permissible alternative to an appeal. It is not an error-correction device. See House of Representatives Report No. 96-1313, 96<sup>th</sup> Cong., 2<sup>nd</sup> Sess. (1980) at 10. If the judges erred, the remedy is not through the judicial misconduct complaint process. Section 352(b)(1)(A)(ii) of Title 28 of the United States Code and Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings specifically exclude allegations calling into question the correctness of a judge's ruling.

The allegations in the complaint lack any evidence to raise inferences of misconduct and are also dismissed on those grounds pursuant to 28 U.S.C. §352(b)(1)(A)(iii) and Rule 11(c)(1)(D).

The complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (iii) and Rule 11(c)(1)(B) and (D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

\*This complaint was assigned to Circuit Judge Joel M. Flaum pursuant to 28 U.S.C. §351(c).