

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT
219 South Dearborn Street
Chicago, Illinois 60604

March 9, 2007

FRANK H. EASTERBROOK
Chief Judge

No. 07-7-352-10

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, the plaintiff in at least four civil actions in a federal district court, contends that the judge committed misconduct by deciding these cases against him. Complainant believes that the adverse decisions “demonstrate a mental defect or pure corruption”.

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). The allegations of this complaint fit that description. “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 propriety of the district judge’s actions may be raised on appeal. Complainant appealed one of the adverse decisions, and the court of appeals affirmed. A complaint under the 1980 Act is not a means to reopen a question that has been litigated and resolved adversely to the complainant.

A possibility that a judge is mentally disabled or corrupt is not “directly related to the merits of a decision or procedural ruling,” but this allegation is frivolous. Complainant offers no basis for his assertion other than the adverse decisions on the merits. Even a long string of adverse decisions does not begin to establish bias, mental disability, or corruption. See *Liteky v. United States*, 510 U.S. 540 (1994). Usually multiple adverse decisions establish only that multiple non-meritorious positions have been advanced.