

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

March 19, 2007

FRANK H. EASTERBROOK
Chief Judge

No. 07-7-352-11

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, who was convicted in a federal criminal prosecution and later filed a civil suit in federal court, contends that the judge who presided in these cases committed misconduct by denying his motion for leave to proceed in forma pauperis on appeal in the civil suit and ruling against him on the merits in both cases. According to the complaint, “all motin that I file was denied”. Complainant accuses the judge of “Constitution Disobedience, Motin of Character, Character Assassination, Deliberate Indifference, Genocidal.”

This complaint was sent to the Indiana Commission on Judicial Qualifications and asked the Commission to remove the federal district judge from the bench. This reflects a misunderstanding not only of the relation between state and federal judiciaries but also of the terms of federal judges’ tenure of office. The state commission forwarded the document to the Judicial Council of the Seventh Circuit; I have treated it as a complaint under the Judicial Conduct and Disability Act of 1980 without requiring complainant to fill out a form under the federal statute.

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 judge's decisions may be raised on appeal—and was. The court of appeals affirmed the judgments in both cases. A complaint under the 1980 Act is not a means to reopen questions that have been litigated and resolved adversely to the complainant.