

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

April 10, 2007

CIRCUIT JUDGE RICHARD A. POSNER\*

No. 07-7-352-13

IN RE COMPLAINT AGAINST THREE JUDGES

MEMORANDUM

The complaint is that the judges ruled adversely against the defendant in retaliation for complainant's earlier filing of a judicial misconduct complaint against another judge.

The judicial misconduct statute defines frivolous as lacking sufficient evidence to raise an inference that misconduct has occurred. 28 U.S.C. § 352(b)(1)(A)(iii). Rule 4(c)(3) of the Seventh Circuit Judicial Council Rules Governing Complaints of Judicial Misconduct or Disability states that a complaint is frivolous if it makes charges that are wholly unsubstantiated. No evidence of misconduct is provided other than the complainant's allegations. Accordingly, the complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 4(c)(3) of the Rules of the Judicial Council of the Seventh Circuit Governing Complaints of Judicial Misconduct or Disability.

\* Chief Judge Frank H. Easterbrook has recused himself. Judge Posner replaced him pursuant to 28 U.S.C. § 351(c) as the circuit judge in regular service next senior in date of commission.