

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

April 10, 2007

FRANK H. EASTERBROOK
Chief Judge

No. 07-7-352-15

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the defendant in an ongoing criminal prosecution but does not contend that the judge presiding over the trial has engaged in “conduct prejudicial to the effective and expeditious administration of the business of the courts.” 28 U.S.C. §351(a). Instead complainant believes that she should not have been indicted and that the United States Attorney is using inappropriate means (such as rewards offered to witnesses) in the course of the prosecution. These allegations fall outside the scope of the Judicial Conduct and Disability Act of 1980, which is limited to judicial behavior. Protests about the conduct of a federal prosecutor must be presented to the Attorney General. The complaint is accordingly dismissed under 28 U.S.C. §352(b)(1)(A)(i).

The district judge will address any legally material arguments about the prosecutor’s conduct, and if complainant is convicted an appeal will be available. The 1980 Act does not replace or supplement these normal remedies. See 28 U.S.C. §352(b)(1)(A)(ii).