

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

September 6, 2007

FRANK H. EASTERBROOK
Chief Judge

No. 07-7-352-34

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant attempted to sue two state judges and a lawyer without paying the filing fee. The district court screened the proposed complaint under 28 U.S.C. §1915A and held that, because the proposed suit seeks damages from defendants who have official immunity, it could not proceed *in forma pauperis*. Complainant now has charged the district judge with misconduct.

A federal judge has a duty to screen cases that prisoners such as complainant seek to litigate *in forma pauperis*. The district judge discharged that duty; if complainant is dissatisfied with the result, his remedy is an appeal. The Judicial Conduct and Disability Act of 1980 does not permit review of a judge's official actions. Section 352(b)(1)(A)(ii) provides that any complaint "directly related to the merits of a decision or procedural ruling" must be dismissed. "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). Complainant's allegations fit that description.

Complainant charges the district judge with bias, but he offers no support for that charge other than the adverse decision, which is not enough. See *Liteky v. United States*, 510 U.S. 540 (1994).