

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

February 13, 2007

FRANK H. EASTERBROOK
Chief Judge

No. 07-7-352-6

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

The complainant, a defendant in a criminal prosecution, filed in the district court a “Formal Complaint” about the judge’s handling of his guilty plea and sentence. The district judge treated it as a complaint under the Judicial Conduct and Disability Act of 1980 and forwarded it to the court of appeals, where it has been docketed as a new complaint.

It duplicates a complaint made by the same litigant last year and previously dismissed. Complainant believes that the judge should have allowed him to withdraw his guilty plea and should have given him a lower sentence. These contentions are “directly related to the merits of a decision or procedural ruling”, so the complaint must be dismissed. 28 U.S.C. §352(b)(1)(A)(ii). “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).