

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

October 18, 2007

FRANK H. EASTERBROOK
Chief Judge

No. 07-7-352-40

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the subject of two orders by the district court's Executive Committee limiting his ability to file suits *in forma pauperis*. The Executive Committee has concluded that complainant has engaged in a pattern of frivolous litigation.

This complaint, naming the district court's Chief Judge as respondent, appears to contend that his suits are meritorious and that the Executive Committee therefore should not have required him to pay the normal fees. Arguments of this kind are outside the scope of the Judicial Conduct and Disability Act of 1980. The Act does not apply to the substance of a judge's official actions; 28 U.S.C. §352(b)(1)(A)(ii) says 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.

The proper remedy is by appeal. Complainant has filed two such appeals. In each, the court of appeals has required complainant to pay the normal filing fees. One appeal has been dismissed because complainant failed to pay as required; the other will be dismissed shortly unless complainant pays. The 1980 Act does not afford a means to obtain review of these decisions without paying the required fees.