

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

November 5, 2007

FRANK H. EASTERBROOK
Chief Judge

No. 07-7-352-43

IN RE COMPLAINT AGAINST UNNAMED JUDICIAL OFFICERS

MEMORANDUM

Complainant believes that his litigation has been mishandled by federal judges. Yet despite the clear instructions in the Judicial Council's rules, and the form used for such complaints, complainant has not identified any judge as the subject of the proceeding. In the space for "Name" complainant wrote: "U.S. District Court of Appeals for the Seventh Circuit"; and lest anyone think that this means the entire court of appeals, in the space for "Court" he wrote: "Northern District of Illinois."

This is incoherent. The Chief Judge must dismiss a complaint that is "not in conformity with section 351(a)." 28 U.S.C. §352(b)(1)(A)(i). Section 351(a) in turn provides that complaints must concern identified judges who have "engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts." The materials complainant has provided neither identify a judge nor describe why any judge's conduct is "prejudicial to the effective and expeditious administration of the business of the courts." Nor could I glean that information from complainant's litigation history: he has filed a large number of suits—so many, in fact that the district court has curtailed his ability to file new suits *in forma pauperis*. (A prior complaint about that step, No. 07-7-352-40, was dismissed under 28 U.S.C. §352(b)(1)(A)(ii), and yet another complaint, No. 07-7-352-39, was dismissed for other reasons.)

The body of the complaint in this proceeding overlaps the one filed and dismissed in No. 07-7-352-40. The Judicial Conduct and Disability Act of 1980

does not allow successive complaints, and certainly not successive complaints that omit mention of the judge or judges involved.

I gather that complainant believes that the denial of his requests for leave to proceed in forma pauperis in the district court and on appeal is judicial misconduct, but I remind him (as I informed him in No. 07-7-352-40) that the 1980 Act does not extend to "the merits of a decision or procedural ruling," 28 U.S.C. §352(b)(1)(A)(ii). The entry of an order requiring a person to prepay the filing fee is a "procedural ruling" for the purpose of this statute and therefore is not a proper basis for a complaint.

Complainant must understand that any future, similar complaints will lead me to initiate the process of curtailing his access to the 1980 Act's machinery. See Rule 1(f) of the Rules of the Judicial Council of the Seventh Circuit Governing Complaints of Judicial Misconduct or Disability.