

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

December 21, 2007

FRANK H. EASTERBROOK
Chief Judge

No. 07-7-352-51

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant asserts that a federal judge follows him wherever he goes, has authorized a wiretap on his phone, and has “told the peopoles ut my job to be mean and treat me bad”.

Complainant’s allegation that he is being followed is an old one. It was made in a federal suit that he filed in 2005—but according to that complaint the judge in question had stood up for him by denying an application for an arrest warrant, while the following was done by agents of the FBI and a municipal police department. That complaint was dismissed. In complainant’s current version, the judge—who has not had a role in any of complainant’s litigation—has turned from protector to tormenter.

I asked the subject judge whether he can shed any light on the subject. The judge replied that he has never met complainant and has no idea what may have prompted these allegations. The clerk of the district court searched its records to see whether the subject judge had been asked to sign an arrest warrant or had approved an application for a wiretap; the clerk reported that the records show that no such application was made to the subject judge.

To the extent that the complaint alleges the improper approval of a wiretap, it is conclusively refuted by objective evidence and must be dismissed under 28 U.S.C. §352(b)(1)(B). To the extent that the complaint alleges that the judge is stalking complainant and making his life miserable, the complaint is dismissed as frivolous under §352(b)(1)(A)(iii). The judge has neither reason nor

opportunity to act as the complaint alleges. If complainant's allegation were true, then the judge would be unable to accomplish his judicial work. But he carries a full caseload, which is resolved without delay. What is more, complainant does not set out any concrete facts: no dates and times, no names of witnesses to the judge's supposed harassment, no photographs of the judge in complainant's vicinity, no motive for the judge to act as the complaint describes, and so on. The complainant appears to be delusional.