

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

May 5, 2008

FRANK H. EASTERBROOK
Chief Judge

No. 07-08-90023

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a prisoner, filed a civil action that was dismissed on the authority of an order entered by the court of appeals in 2007. This order fined complainant \$500 for his abuse of the judicial process and provided that complainant could not initiate any further civil litigation until this fine had been paid. Complainant ignored this order when filing his latest suit and did not inform the district court about its existence. When the district judge discovered the restriction, complainant's suit was dismissed and a fine of \$150 was added to complainant's obligation.

In light of the filing bar (and the fact that the sanction remains unpaid), the court of appeals declined to entertain complainant's appeal from this decision. Complainant says that he wants to seek a writ of certiorari, but that he cannot do this until the district judge furnishes him with a "compiled record," which the judge has declined to do. This is misconduct, according to complainant.

The district judge wrote a short opinion addressing the request for a "compiled record," remarking (among other things) that there is no such thing as a "compiled record" in federal litigation, that a litigant's possession of a "compiled record" is not required to file a petition for a writ of certiorari, and that there is no record to speak of anyway. The only documents that matter are the complaint and the district court's orders, which complainant already possesses. Moreover, any complaint that is "directly related to the merits of a decision or procedural ruling" must be dismissed. 28 U.S.C.

§352(b)(1)(A)(ii). See Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. “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). The allegations of this complaint fit that description.