

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

May 15, 2008

FRANK H. EASTERBROOK  
Chief Judge

No. 07-08-90024

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant believes that a person currently serving as a federal district judge is not authorized to perform the duties of the office because he retired or resigned several years ago.

Complainant has confused state and federal judiciaries. The person in question served as a state judge for more than a decade before being appointed to the federal bench. He resigned from his state position when he received his federal commission.

The judge holds a commission signed by the President following the advice and consent of the Senate, and is authorized to serve under Article III. He has not resigned from this federal judgeship. The complaint is dismissed under 28 U.S.C. §352(b)(1)(A)(i) because it does not allege judicial misconduct or disability.