

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

June 3, 2008

FRANK H. EASTERBROOK
Chief Judge

No. 07-08-90047

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is in state prison following a conviction. He filed a federal action seeking release, but incorrectly naming the district attorney and other prosecutors (rather than the prison's warden) as the respondents. The district judge dismissed the petition, and complainant now accuses the judge of misconduct.

Complainant appears to have confused the judge with an ombudsman. He thinks that the judge should have conducted an independent investigation to turn up what complainant is sure is wrongdoing in the prosecutor's office. That is not, however, the judge's role. A federal judge resolves only those complaints that are properly presented and within the jurisdiction of the federal courts.

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. If the judge erred in dismissing the proceeding that complainant initiated, the remedy is by appeal to the court of appeals. The Judicial Council is an administrative rather than a judicial body.