

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

June 24, 2008

FRANK H. EASTERBROOK
Chief Judge

No. 07-08-90052

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, the plaintiff in a pending civil suit, believes that the district judge should have allowed him to amend his complaint more extensively than the judge permitted (complainant wants to add some defendants; the judge found that claims against them would be frivolous) and that the judge has taken too long to resolve his case. Complainant has several similar concerns that need not be discussed separately.

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 should have allowed a more extensive amendment to the complaint, that can be an issue on appeal from a final decision. And the scheduling of business—in which order to handle pending cases—also concerns procedural rulings of the court. (Complainant does not allege that the judge is unable or unwilling to handle the whole of his docket in a generally timely fashion.)

The 1980 Act is not a means to achieve interlocutory review of litigation in progress. The Judicial Council is an administrative rather than an appellate body.