

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

June 26, 2008

FRANK H. EASTERBROOK
Chief Judge

No. 07-08-90053

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a state prisoner, is the petitioner or plaintiff in three proceedings currently pending in a federal district court. He believes that the district judge has not afforded him the relief to which he is entitled.

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.

Complainant states: “This complaint does not concern the merit of the decision for it concern the judge’s abuse of discretion to eliminate selective genuine issues of material fact” The bulk of the complaint is a narration of complainant’s grievances concerning the fact of his imprisonment and his treatment in prison, the very issues now pending in district court. Apparently complainant believes that §352(b)(1)(A)(ii) deals only with the judge’s bottom line and not earlier steps of the adjudicative process, including the identification of issues that require resolution. That’s not so. The statute covers any “procedural ruling” as well as the ultimate conclusion. The Judicial Council, which administers the 1980 Act, is an administrative rather than a judicial body. A litigant dissatisfied with a district judge’s rulings, substantive or procedural, must wait until the final decision and then raise any objections in the court of appeals.