

**THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT**

219 South Dearborn Street  
Chicago, Illinois 60604

August 26, 2008

FRANK H. EASTERBROOK  
Chief Judge

Nos. 07-08-90069, -90070 & -90072

IN RE COMPLAINTS AGAINST THREE JUDICIAL OFFICERS

MEMORANDUM

Complainants believe that state and federal officials have violated their rights by prohibiting them from using their land in a way that, the officials say, poses a hazard to air traffic near an airport. The dispute has led to administrative and judicial proceedings plus a forcible entry and demolition of at least one structure. Complainants believe that the officials are corrupt and have committed crimes, and that the regulation of building height is unauthorized. (Perhaps this argument could or should be understood as a contention that the form of regulation employed is a taking, for which just compensation must be paid.) The nature and merit of these contentions are unimportant for current purposes, however, because the Judicial Conduct and Disability Act of 1980 covers only federal judicial officers.

Complainants have filed two federal suits. The first was resolved in defendants' favor in 2007, and complainants did not appeal. The second is pending. Complainants believe that the two district judges assigned to their suits—and the magistrate judge who was assigned to both suits—have committed misconduct. As far as I can see, however, complainants' grievances against the judges concern only their rulings in the litigation. Complainants are sure that they are in the right. The judges found otherwise in the first suit and have not ruled in complainants' favor in the second (though that litigation is ongoing).

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). “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 these complaints fit that description. Contentions that district judges or magistrate judges erred must be presented to the court of appeals, not the Judicial Council, which is an administrative body.