

Judicial Council of the Seventh Circuit.
219 South Dearborn Street
Chicago, Illinois 60604

October 16, 2008

Circuit Judge Joel M. Flaum*

Nos. 07 08 90092, 90093 & 90094

IN RE COMPLAINT AGAINST THREE JUDGES

AMENDED MEMORANDUM

Complainant has filed an original complaint on September 30, 2008, subsequently filing a statement of additional facts on October 15, 2008, against three judges who entered an order disbaring complainant. Complainant argues that the judges applied the wrong legal standard in deciding to disbar complainant. Complainant cites to several cases in which other attorneys were not disbarred.

A reading of the complaint and supplemental filing establishes that they contained allegations that are directly related to the merits of a decision. A judicial misconduct proceeding is not a permissible alternative to an appeal. It is not an error correction device. See 28 U.S.C. § 351 and House of Representatives Report No. 96 1313, 96th Cong., 2nd Sess. (1980) at 10. If the judges erred, the remedy is not through the judicial misconduct complaint process. Rule 3(h) of the Rules for Judicial Conduct and Judicial Disability Proceedings specifically excludes allegations calling into question the correctness of a judge's ruling.

This complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and Rule 11(c)(1)(B) of the Rules for Judicial Conduct and Judicial Disability Proceedings.

*This complaint was assigned to Circuit Judge Joel M. Flaum pursuant to 28 U.S.C. § 351(c).