

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

February 5, 2008

FRANK H. EASTERBROOK
Chief Judge

No. 08-7-352-07

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant believes that the district judge in a suit that complainant has filed has engaged in misconduct by denying a motion for recusal. The sole explanation submitted in support of the complainant is a copy of that motion.

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). Complainant’s belief that the judge should have recused himself is within this rule. A judge’s decision to continue presiding is “directly related to the merits of a ... procedural ruling” unless the judge knows that he is disqualified. See *id.* at 146. The remedy for a judge’s erroneous decision that recusal is unnecessary lies in the court of appeals, not the Judicial Council.