

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

March 6, 2008

FRANK H. EASTERBROOK  
Chief Judge

No. 08-7-352-11

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant has filed what he describes as a “follow up” to an earlier complaint (No. 08-7-352-07) that I dismissed last month. He says that he has been misunderstood—that his grievance concerns not the district judge’s failure to recuse himself, but the events that led complainant to seek recusal.

As I informed complainant last month, 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 events that led complainant to seek the district judge’s recusal come within §352(b)(1)(A)(ii). Complainant does not try to show why this statute is inapplicable to his grievance. The whole complaint concerns what he calls “mistakes in [the judge’s] memorandum and order.” To give just one example, the first in complainant’s list:

The judge writes ... “and ordered the substitution of the United States.” This is false. This never happened. He repeatedly insists he did this but it was never done to this day!

There is much more in the same vein. But neither the contents of a judge’s opinion nor the substance of the decision is reviewable under the 1980 Act. The remedy for a judge’s erroneous decision lies in the court of appeals, not the Judicial Council.