

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

April 24, 2008

FRANK H. EASTERBROOK
Chief Judge

No. 08-7-352-19

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant pleaded guilty to a federal crime and is serving a long term in prison. He contends that the district judge committed misconduct by giving him an excessive sentence after the presentence report calculated an offense level that, complainant maintains, exceeded the maximum allowed by the Sentencing Guidelines.

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.

The right way to challenge a sentence is to appeal (which complainant did, unsuccessfully) or seek collateral relief (a motion under 28 U.S.C. §2255 was made and denied, and the court of appeals declined to issue a certificate of appealability). The Judicial Conduct and Disability Act of 1980 does not provide a supplemental means of contesting adverse decisions.