

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

April 28, 2009

FRANK H. EASTERBROOK
Chief Judge

No. 07-09-90058

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Approximately six weeks ago, I dismissed complainant's first grievance under the Judicial Conduct and Disability Act of 1980, informing her that the Act does not permit the Judicial Council, an administrative body, to review a judge's decisions. See 28 U.S.C. §352(b)(1)(A)(ii). I also informed complainant that a judge's decision to continue serving in the litigation, rather than to recuse, is covered by this statute.

The current complaint, filed shortly after the subject judge entered a final decision, is similar to the first but longer. It does not mention 28 U.S.C. §352(b)(1)(A)(ii) or my prior decision—and though complainant insists that her grievance concerns the subject judge's reasoning (and what complainant perceives as bias) rather than the bottom line, complainant does not recognize that the judge's reasoning is part of the decision and thus covered by §352(b)(1)(A)(ii). See Judicial Conference Committee on Judicial Conduct and Disability, *Memorandum of Decision* Jan. 14, 2008, at 5–8. There is no need to add to what my memorandum of last month said about the claim that adverse judicial decisions demonstrate bias. There is a gulf between rejecting a litigant's contentions and bias against that litigant.

My prior order informed complainant that the right place for arguments in opposition to a district judge's decision is a brief on appeal from a final decision. The current complaint demonstrates unwillingness to respect directions from a judge. (The underlying suit, in which five state judges are the principal defendants, shows as much. Complainant refuses to accept the legal rule that judges enjoy absolute immunity for their decisions.) A further complaint under the 1980 Act that does not make a serious effort to show how it is compatible with §352(b)(1)(A)(ii) will be dismissed summarily, and I may direct complainant to show cause why the Judicial Council should not take steps to curtail repetitious, frivolous use of the 1980 Act's processes. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.