

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

May 8, 2009

FRANK H. EASTERBROOK
Chief Judge

No. 07-09-90060

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the plaintiff in a civil suit recently decided by a district judge. He contends that the district judge is mentally incompetent.

Complainant offers two kinds of evidence. The first is the adverse decision. According to complainant, the defendant achieved victory by committing fraud on the court, which the judge failed to detect. Indeed, according to complainant, only an incompetent judge could have ruled against him. This theme is incompatible with 28 U.S.C. §352(b)(1)(A)(ii), which provides that any complaint “directly related to the merits of a decision or procedural ruling” must be dismissed. 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. Half of all litigants lose their suits, and many of the losers are confident that they should have prevailed. That a judge rules in favor of one side rather than the other does not demonstrate mental deficiency. A claim that the judge erred may be presented on appeal; it is not a ground of action under the 1980 Act.

The other kind of evidence is that the web site “The Robing Room” rates the judge at 0. According to the complaint, the judge “already very long time has rating the person with absolute absence of ability to thinking.” Complainant appears not to understand that a 0 on this site’s system simply reflects the absence of any submitted ratings; the lowest possible rating in any submission is 1. What is more, a rating on this site is not informative for current purposes. Any disgruntled litigant could submit multiple ratings of the same judge. Indeed, anyone could submit high (or low) ratings for a judge about which the submitter is ignorant. Such a poll flunks all scientific criteria.

Complainant evidently thinks poorly of the judge. He writes, for example: "And present a situation, when [the subject judge] has refused disqualify himself and did not found ground for recusal from case anybody cannot already surprise, because nervously-brain insufficiency can only to progress in a negative side, thus recourse only amplifies." This is not evidence of any kind. To the extent that complainant believes that the subject judge should have recused himself, this too is covered by §352(b)(1)(A)(ii). See *Implementation Report* at 146.