

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

June 19, 2009

FRANK H. EASTERBROOK  
Chief Judge

No. 07-09-90072

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is a federal prisoner. He accuses the trial judge of misconduct, but the particulars of his grievance are hard to discern.

As best I can make out, he contends that (a) the complaint preceding his indictment was invalid and was or should have been dismissed; (b) he was acquitted while he was a fugitive and therefore should not have been tried after he was captured; (c) the prosecutor presented false evidence that the subject judge allowed into the record; and (d) the indictment, verdict form, and judgment of conviction use different names. (Complainant has used many aliases during his criminal career.) All of these arguments could have been made to the court of appeals. The last *was* presented on appeal and was resolved adversely to complainant.

Any complaint "directly related to the merits of a decision or procedural ruling" must be dismissed. 28 U.S.C. §352(b)(1)(A)(ii); see also 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). Complainant's allegations fit that description. The Judicial Council is an administrative body, not the forum for a second crack at presenting an appeal.