

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

September 3, 2009

FRANK H. EASTERBROOK
Chief Judge

No. 07-09-90081

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the plaintiff in two civil actions recently concluded in district court. He accuses the judge of being mentally disabled and in cahoots with the defendants.

These are serious charges, but the only evidence complainant offers is the adverse rulings. 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 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). The allegations of this complaint fit that description. The way to obtain review of judicial decisions is to appeal, not to complain to the Judicial Council, which is an administrative body.

Much of complainant's ire is directed against the district judge's refusal to act on the many letters complainant has sent. As complainant says: "I'm constantly writing this judge telling him each time I'm ... looking for his superior help to stop the [defendants' actions] but he only responded saying things that made it clear I was being a pest". Complainant is right to describe his correspondence as "constant"; the dockets of the two cases reflect a stream of letters asking questions, requesting relief, and insisting that the judge act favorably. The judge displayed patience, telling complainant that litigation proceeds according to established rules and that a flood of correspondence sent in disregard of those rules does not advance a case's progress. The judge's actions are not misconduct; this aspect of the complaint is dismissed under §352(b)(1)(A)(iii). Complainant must understand that peppering a court with letters is no way to litigate, and that a judge is not obliged to reply. Complainant's suits now are in the court of appeals. Complainant must follow the Rules of Appellate Procedure and the instructions he receives from the court.