

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

March 17, 2010

FRANK H. EASTERBROOK
Chief Judge

Nos. 07-10-90012 to -90014

IN RE COMPLAINT AGAINST THREE JUDICIAL OFFICERS

MEMORANDUM

Complainant is the principal investor in, and manager of, a business that has been involved in federal litigation as a debtor in bankruptcy and as a party in non-bankruptcy suits. Complainant is himself a debtor in bankruptcy. This is his third complaint under the Judicial Conduct and Disability Act of 1980. The other two (Nos. 07-08-90111 and 07-08-90112) have been dismissed; this one fares no better.

Complainant's theory is that the three judges who have played a role in his federal litigation, plus the United States Trustee in the bankruptcy proceedings, are conspiring to prevent him and his business from supplying higher quality ammunition to U.S. armed forces. The allegations of this complaint, and its predecessors, lead me to wonder whether complainant is delusional. But the principal problem with this complaint can be summed up by quoting the first paragraph of its statement of facts: "The purpose of this Complaint of Judicial Misconduct is to bring to the attention of the Seventh Circuit Court of Appeals the uniform and consistent misapplication of the law by three separate Justices [sic] consciously or otherwise, presiding over three separate venues, spanning over a period of thirty (30) consecutive months."

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. Complainant believes that the judges have ruled incorrectly; that subject is outside the scope of the 1980 Act.

My decision in No. 07-08-90112 informed complainant about §352(b)(1)(A)(ii). The current complaint does not cite that statute or make any effort to demonstrate that its

allegations are within the 1980 Act's coverage. It amounts to little more than an attempt to obtain interlocutory review of issues in pending litigation.

That complainant has chosen to ignore §352(b)(1)(A)(ii) leads me to suspect that the current complaint has been filed to harass the judges. Any further complaint that does not include a bona fide effort to show how it is compatible with §352(b)(1)(A)(ii) will lead me to issue an order directing complainant to show why the Council should not enter an order curtailing his frivolous resort to the 1980 Act's machinery. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.