

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

March 24, 2010

FRANK H. EASTERBROOK  
Chief Judge

No. 07-10-90016

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the plaintiff in pending litigation. The district court denied his motion for leave to proceed *in forma pauperis*. Instead of paying the fees, complainant has sought to take an interlocutory appeal—not only to the court of appeals but also to the Judicial Council, through the mechanism of the Judicial Conduct and Disability Act of 1980. The complaint filed in this proceeding is one page long and serves only to preface the documents already filed in the court of appeals.

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 district judge misunderstood his allegations and made a legal error, but if so these are grounds for appeal from a final decision, which has not been entered. Although complainant asserts that the district judge is mentally disabled, the only evidence he offers is the adverse decision, which does not suggest any disability.

Complainant needs to understand the difference between the Judicial Council and the court of appeals. The Council is an administrative body and cannot provide any relief in the pending litigation. Complainant should wait for entry of a final judgment and then present his arguments to the court of appeals.