

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

May 20, 2010

FRANK H. EASTERBROOK
Chief Judge

No. 07-10-90028

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant's history of frivolous litigation, and his failure to pay the resulting sanctions, led the court of appeals to enter an order under *Support Systems International, Inc. v. Mack*, 45 F.3d 185 (7th Cir. 1989). A *Mack* order prevents the person from filing or prosecuting civil suits until the sanctions have been paid. Defying this order, complainant attempted to commence a new civil suit. The district judge declined to entertain the litigation. Complainant accuses the district judge of misconduct.

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.

Quite apart from §352(b)(1)(A)(ii), complying with a court of appeals' decision cannot be called misconduct in office. Many litigants disagree with judicial orders, but they still must be obeyed. Complainant's assertion that the order violates the Constitution is not supported by argument and does not take account of *In re Skupniewitz*, 73 F.3d 702 (7th Cir. 1996), which held that the *Mack* procedure is valid. Complainant could have asked the Supreme Court to review either the *Mack* order or the award of sanctions that it enforces, but the time to seek such review expired years ago. The Judicial Council is not a forum for untimely collateral attacks on judicial orders.