

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

June 3, 2010

FRANK H. EASTERBROOK
Chief Judge

No. 07-10-90032

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is a federal prisoner following his conviction for fraud. The court of appeals affirmed his conviction, remarking that complainant is a con man who, even after being caught, continued to make obviously false statements to the court. Now complainant contends that he is a political prisoner, that the district judge is guilty of treason, that the judge "is lying 100% of the time", and that the judge made racist remarks before and during the trial.

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. Most of them relate to the judge's management of the litigation. And, to the extent that complainant contends that the judge's general remarks evince racism or mental incompetence, the complaint is dismissed under §352(b)(1)(A)(iii) because it is unsupported by evidence.

Complainant promises repeatedly to demonstrate that the judge made racist comments. But the only "evidence" supplied is excerpts from transcripts, with references to race added by complainant. The words that complainant finds damning are the complainant's own, not the judge's. Nothing in the excerpts provided in or attached to the complaint supports the suggestion that the judge is biased against complainant, against people of any race or background, or is mentally incompetent.