

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

July 10, 2010

FRANK H. EASTERBROOK  
Chief Judge

No. 07-10-90042

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant was the plaintiff in a suit filed in 2006 and dismissed in 2007 for want of subject-matter jurisdiction. Complainant has filed four post-judgment motions asking the district judge to rule in his favor. The first was filed in late 2008, more than 18 months after the adverse decision; the others have been filed in 2010, with ever-shorter gaps in between. Three of these motions have been denied by the subject judge. When denying the third, the judge also entered an order providing that any similar filing would be deemed denied 30 days after filing, without the need for judicial action. Complainant's fourth filing was denied under this order. Complainant now accuses the district judge of misconduct for not deciding the suit in his favor and awarding him \$1 million. His complaint was filed with state officials on a form that the state uses for complaints against state judges. The state forwarded the complaint to federal court, and I have elected to address it even though it does not contain all of the information required by the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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. If complainant believes that the district judge erred, he should have filed an appeal in 2007. A complaint under the 1980 Act is not a means to achieve what amounts to a belated appeal.