

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

August 6, 2010

FRANK H. EASTERBROOK
Chief Judge

No. 07-10-90047

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

After a district judge dismissed complainant's suit, complainant charged the judge with misconduct.

The complaint reads in full (bracketed material in original):

1. Allowing "mob friendly" consortium to re-locate from Chicago [Illinois] in various locations within the state of Wisconsin; to concentrate their political efforts against me. A form of illegal gerrymandering.
2. Begrudging me as an effect of filing a previous appeal; Re: 28 U.S. Code §144.
3. Attempting to induce disclosures contrary to 28 CFR §16.

Complainant seems to think that the judge should not have dismissed the suit. But 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, to the extent they allege anything at all.

There is no 28 C.F.R. §16. There is a *Part 16* in Title 28 of the Code of Federal Regulations. This part includes approximately 100 sections related to the Freedom of Information Act and the Privacy Act. It may be that complainant thinks that the court should not have asked for his financial information as part of the process of determining whether he is entitled to proceed in forma pauperis. None of the sections in 28 C.F.R. Part 16 addresses that question. Nor is the disclosure of financial

information required. Complainant is free to pay the \$455 filing fee, if he does not want to reveal information about his income and assets. He is not entitled to proceed without payment, however, unless he establishes inability to pay. The district judge's decision to require complainant to submit the ordinary information is covered by §352(b)(1)(A)(ii).

Paragraph 2 of the complaint might be understood as saying that the judge dismissed the latest complaint in retaliation for an appeal taken in an earlier case. Section §144 is unrelated to that possibility; it deals with affidavits of bias filed by counsel, and no such affidavit has been filed in this case (or any of complainant's others). Nor would it make sense to think that the judge has reacted adversely to an earlier appeal. The judge dismissed complainant's latest complaint as unintelligible. I have reviewed the complaint; it is indeed unintelligible and certainly does not state a claim under federal law. So to the extent complainant accuses the judge of retaliation, the charge is conclusively refuted by objective evidence.