

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

August 13, 2010

FRANK H. EASTERBROOK
Chief Judge

No. 07-10-90048

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a federal prisoner, contends that the district judge who conducted his trial and later rejected his motion for relief under 28 U.S.C. §2255 must have conspired with the prosecutors.

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. All of the events that concern complainant were rulings in pending litigation.

Although complainant maintains that the judge conspired with others, the complaint offers not an iota of evidence to support this assertion, which is dismissed under §352(b)(1)(A)(iii).

The way to obtain review of a district judge’s decisions is by appeal. Complainant’s appeal from his conviction and sentence was dismissed as frivolous, and he did not take a timely appeal from the order denying his motion for collateral relief. Complainant has begun to pepper the district judge with motions in the criminal case, but it is closed, and the judge has ruled that the motions amount to an unauthorized attempt to engage in successive collateral litigation. Complainant’s criminal case is closed. The 1980 Act is not an alternative means to obtain review of adverse decisions.