

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

August 13, 2010

FRANK H. EASTERBROOK
Chief Judge

No. 07-10-90049

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant has filed many civil suits in federal court, losing them all. He believes that the district judge committed misconduct by deciding the cases adversely to him, by certifying that his appeals have been taken in bad faith (a finding that requires him to pay the appellate filing and docket fees, unless he can persuade the court of appeals to permit him to proceed in forma pauperis), and by conspiring with another judge in the same district, who sometimes enters orders in the subject judge's stead.

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. The remedy for judicial error (if any) is by appeal, not by a complaint under the 1980 Act.

The fact that four suits in a row have been assigned to the same judge does not suggest any misconduct. Assignment to a single judge is normal, once a court identifies a person as a repeat filer. This is a procedural step covered by §352(b)(1)(A)(ii). So is the participation of a second judge. One federal judge often covers for another during the assigned judge's vacation or other absence from the district. Complainant is entitled to a decision by a judge holding office under Article III of the Constitution. This entitlement has been honored. He is not entitled to a decision by any particular judge.