

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

September 17, 2010

FRANK H. EASTERBROOK
Chief Judge

No. 07-10-90056

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant has filed many civil suits in federal court. He believes that a district judge committed misconduct by entering orders in cases assigned to a different judge.

A similar complaint against the other judge, contending that the two judges had “conspired” to violate complainant’s rights, was filed and dismissed last month. I informed complainant that one federal judge often covers for another during the assigned judge’s vacation or other absence from the district. Each litigant is entitled to a decision by a judge holding office under Article III of the Constitution. This entitlement has been honored. Complainant is not entitled to a decision by any particular judge.

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.

My decision last month relied on §352(b)(1)(A)(ii). The current complaint ignores that statute. It is effectively a subset of the allegations made and dismissed previously; only the identity of the subject judge has changed. This is an abuse of the 1980 Act’s processes. Any similar complaint that does not make a serious effort to explain how it is compatible with §352(b)(1)(A)(ii) will be dismissed summarily, and I will direct complainant to show cause why the Judicial Council should not enter an order that will curtail abuse of the 1980 Act.