

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

February 15, 2011

FRANK H. EASTERBROOK  
Chief Judge

Nos. 07-11-90013 & -90014

IN RE COMPLAINT AGAINST TWO JUDICIAL OFFICERS

MEMORANDUM

Complainant is a federal prisoner. He believes that the prosecutor failed to disclose material exculpatory evidence during his trial and sentencing, and that the district judges who participated in the case committed misconduct by failing to detect and penalize this misconduct. He also believes that the sentencing judge should not have relied on information in the presentence report.

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. Complainant’s contest to the use made of the presentence report was raised on direct appeal and rejected by the court of appeals. Arguments about withholding of evidence could be raised under 28 U.S.C. §2255, if they have not been dealt with already. The Judicial Council is an administrative body, not a means to obtain review of district judges’ decisions.

Complainant attempted to name an Assistant United States Attorney as an additional party to this proceeding, but the 1980 Act deals only with judicial officers.