

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

March 7, 2011

FRANK H. EASTERBROOK
Chief Judge

No. 07-11-90022

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant was the plaintiff in a suit recently decided by a district judge. He contends that the judge committed misconduct by granting summary judgment in favor of the defendants after deferring ruling on the multiple motions and requests that complainant had filed. (Many of these were struck in the same order that granted defendants' motion for summary judgment.)

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. If the judge erred, the remedy is by appeal. To the extent that complainant asserts that the judge delayed unduly, this too is covered by §352(b)(1)(A)(ii). Deciding which cases are most in need of judicial attention is itself a procedural ruling. (Complainant does not assert that the judge in question fails to act promptly on his docket in general; complainant's allegations concern what he deems unjustified delay in his suit alone.)