

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

March 30, 2011

FRANK H. EASTERBROOK
Chief Judge

No. 07-11-90025

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant was the petitioner in a proceeding recently dismissed by a district judge. In an earlier complaint (No. 09-11-90011), he contended that the judge's adverse rulings constitute misconduct. I dismissed that complaint on the authority of 28 U.S.C. §352(b)(1)(A)(ii), which says that any complaint "directly related to the merits of a decision or procedural ruling" must be dismissed.

Complainant has filed a new complaint accompanied by a 14-page document that appears to restate the contentions that he raised and lost in the district court. A cover sheet lists three "questions presented", the first of which reads: "Are significant portions of 28 U.S.C. §§ 351–364 as to right of redress against judges unconstitutional (Star Chamber), and, if not, does 28 U.S.C. § 354(3)(A) invoke Article III Section I under colonial common law assumptions of civil suit?" This is incomprehensible and is not explained in the 14-page narration, which has nothing to do with this or the other two questions.

There is no 28 U.S.C. §354(3)(A). Section 354 as a whole deals with the way in which the judicial council of a circuit handles reports of special committees appointed by the chief judge under §353. No such committee has been appointed. I have no idea what "colonial common law" might have to do with the Judicial Conduct and Disability Act of 1980 or why complainant thinks that the statute poses constitutional problems. The judicial council does not exercise the "judicial Power of the United States" under Article III but is an administrative body. The 1980 Act does not create, or concern, a "right of

redress". Its goal is to fix ongoing problems in federal judicial administration. Complainant has not identified such a problem.

That the current complaint does not mention either §352(b)(1)(A)(ii) or my previous decision suggests that complainant has embarked on a campaign of frivolous charges. Any future complaint that does not make a serious effort to demonstrate how it is proper under the statutory criteria will be dismissed summarily, and I will order complainant to show cause why the council should not enter an order restricting his abuse of the 1980 Act's procedures. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.