

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

April 20, 2011

FRANK H. EASTERBROOK
Chief Judge

Nos. 07-11-90028 and -90029

IN RE COMPLAINTS AGAINST TWO JUDICIAL OFFICERS

MEMORANDUM

Complainant is a federal prisoner. Two judges of the court of appeals denied his application for a certificate of appealability and entered an order preventing him from filing further papers in civil litigation until he has paid a \$5,000 fine for his frivolous suits and appeals. (The panel stated that complainant has been the plaintiff or petitioner in more than 800 federal suits, including at least 80 in 2010 alone.) Complainant asserts that by making this decision the judges committed misconduct.

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 judges erred substantively or procedurally (complainant contends that he did not receive adequate notice), the remedy is by petition for rehearing or review in the Supreme Court. The Judicial Council is an administrative body rather than an additional forum for appellate review.

Complainant asserts that each circuit judge “is prejudice [sic] and exhibiting HATE because of my several Campaigns for President of the United States and is using the Official Capacity in violation of the Hatch Act, 5 U.S.C. § 7321 – § 7326.” The first half of this sentence is unsupported by any reason to believe that the judges knew of

complainant's candidacy or held it against him. This aspect of the complaint is dismissed under §352(b)(1)(A)(iii) as unsupported. Moreover, a judge's decision to hear a case rather than recuse himself is covered by §352(b)(1)(A)(ii). The second half of the sentence is incomprehensible. Judges do not violate the Hatch Act by resolving suits.

These complaints are as frivolous as the underlying litigation. Further frivolous complaints will be dismissed summarily, and I will order complainant to show cause why the Judicial Council should not enter an order preventing complainant from moving his campaign of pestiferous filings from the judicial forum, now closed to him, to this administrative forum. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.