

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

July 25, 2011

FRANK H. EASTERBROOK
Chief Judge

No. 07-11-90040

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a federal prisoner, was tried and sentenced by the subject judge, who complainant asserts is “dishonorable, dishonest, and unethical”.

The only evidence offered in support of this assertion is the fact that the judge ruled against complainant during and after the trial. That does not imply bias. See *Liteky v. United States*, 510 U.S. 540 (1994). The issues that occupy complainant’s attention, such as whether some of his prior convictions are properly treated as “violent felonies” for the purpose of the Armed Career Criminal Act, were raised on appeal. The court of appeals not only agreed with the district judge but also concluded that complainant’s arguments were frivolous.

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 asserts that an Assistant United States Attorney has behaved unethically. The 1980 Act applies only to judicial officers, so I disregard all allegations about the prosecutor.