

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

October 6, 2011

FRANK H. EASTERBROOK
Chief Judge

No. 07-11-90056

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant believes that Assistant United States Attorneys participating in a criminal prosecution have not been properly appointed, because they took the oath of office before a person who is not a notary public. He contends that the district judge presiding in the criminal prosecution has committed misconduct by failing "to address this act of corruption."

A federal judge is not an ombudsman and need not (and generally may not) initiate investigations into matters that concern members of the general public. A judge's power is limited to the adjudication of cases and controversies between litigants. Complainant should address his concerns to the Attorney General or the press. The district judge did not commit misconduct by deciding not to reply to complainant's communications.

This is the third time in recent years that complainant has filed a charge under the Judicial Conduct and Disability Act of 1980. The previous two, like this one, concerned complainant's belief that a particular person had not taken the oath of office before an authorized person or otherwise is not entitled to exercise the duties of office. I dismissed both of the earlier complaints (Nos. 07-08-90024 and 07-10-90035) in reliance on 28 U.S.C. §352(b)(1)(A)(i), just as I have done here. The current complaint does not mention my earlier orders or try to show how it is within the scope of the 1980 Act. Moreover, just as previously, complainant misunderstands the law concerning the administration of oaths to federal employees. Under 5 U.S.C. §2903(b)(1) an employee of an Executive agency who has been designated for this task may administer oaths of

office to other persons about to become employees of the Executive Branch. The person need not be a notary public. That is a position created under state law; §2903(b) permits the federal government, no less than a state, to bestow on a responsible person the authority to administer oaths of office to prospective federal employees.

Three frivolous complaints under the 1980 Act are enough. If complainant files another, I will order him to show cause why the Judicial Council should not enter an order that will curtail his abusive use of the 1980 Act's processes. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.