

**THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT**

219 South Dearborn Street  
Chicago, Illinois 60604

November 4, 2011

No. 07-11-90058

IN RE COMPLAINT AGAINST DISTRICT JUDGE [REDACTED]

[REDACTED]  
Complainant

ORDER

The Chief Judge gave complainant 14 days to show cause why the Judicial Council should not enter an order curtailing complainant's abuse of the Judicial Conduct and Disability Act of 1980. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. He has filed a response. The matter is ready for decision.

[REDACTED] has filed six complaints under the 1980 Act. All have been dismissed as barred by 28 U.S.C. §352(b)(1)(A)—some because they reflect unsubstantiated and implausible beliefs, some because they do not allege misconduct, and the most recent complaint because it accuses a district judge of “identity theft” without supplying a shred of evidence.

The response to the Chief Judge's order reasserts the allegation that the judge is engaged in “identity theft” but, like the complaint itself, omits factual details. [REDACTED] also asserts that his complaints are not frivolous and says that identity theft “will not be tolerated at all and proper federal authorities have and will continue to be notified to open a criminal investigation” (underlining in original). [REDACTED] thus tells us that he plans to continue filing similar complaints.

Curtailing frivolous complaints while leaving room for serious ones is a difficult task because the Council is not a judicial forum. Standard grants of sanctioning power, such as Fed. R. Civ. P. 11 and 37, and Fed. R. App. P. 38, are not available. Requiring complainant to submit future complaints for screening would not do much to conserve

judicial resources; the screening process (and the inevitable appeal to the Council) could take as much time as the normal decisional process under the 1980 Act.

The only approach that holds much prospect is the creation of a financial hurdle. Unlike new suits in a district court, complaints under the 1980 Act may be filed without fee, but the statute does not preclude the use of a financial gateway as a sanction for demonstrated misconduct. Financial incentives can help curtail frivolous complaints under the 1980 Act.

In 2007 the Council decided that requiring a deposit of \$1,000 by a complainant who has repeatedly abused the 1980 Act's processes would serve as an appropriate screen. See No. 07-7-352-20 (issued July 9, 2007). That approach is equally apt here.

The \$1,000 is neither a fine nor a filing fee. It is a deposit, designed to make people think seriously before filing—though it still falls short of the costs that the federal judiciary incurs in using 21 judges to resolve a complaint. To ensure that every non-frivolous complaint can be heard and resolved on the merits without expense to the complaining party, this deposit will be refunded if the Chief Judge determines that a complaint has any arguable merit. If, however, ██████ files a future complaint after the model of the six already considered and rejected, then the deposit will not be refunded. Any complaint that he tenders without the required deposit will be returned unfiled.

It is so ordered.