

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

October 31, 2011

FRANK H. EASTERBROOK
Chief Judge

Nos. 07-11-90063 to -90065

IN RE COMPLAINT AGAINST THREE JUDICIAL OFFICERS

MEMORANDUM

Complainant is the plaintiff in a civil suit recently concluded by a district court. She contends that the opinion defames her, that the court committed procedural irregularities, and that the ruling can be explained only on the assumption that the judge is insane or, at the least, suffers from dementia.

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. The content of an opinion (here, whether the statements are defamatory, as complainant believes) is covered by §352(b)(1)(A)(ii) just as the decision’s substance is. The remedy for judicial error is an appeal, not a complaint under the 1980 Act. An appeal has been filed and is pending.

The complaint names two magistrate judges as well as the district judge who dismissed the suit. Complainant says that she named the magistrate judges “because I don’t know who wrote the actual decisions or how that works.” Judges are responsible for the decisions they sign. This decision was made by a district judge. There is no basis for any complaint against the magistrate judges.

The complaint suggests that *ex parte* contacts, or bias, or a conspiracy of some sort between the district judge and state judges or prosecutors (or perhaps the defendant) could have led to the decision. An adverse decision does not establish bias or other irregularity. See *Liteky v. United States*, 510 U.S. 540 (1994). The complaint does not supply any factual foundation—other than complainant’s disagreement with the decision—for a belief that the judge has received secret submissions, is in cahoots with anyone, is senile, or is insane. This aspect of the allegations is dismissed under §352(b)(1)(A)(iii) because it lacks factual support.