

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

November 21, 2011

FRANK H. EASTERBROOK
Chief Judge

No. 07-11-90069

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant contends that the magistrate judge assigned to one of his civil suits has committed misconduct by failing to recruit counsel to assist him, by not deciding the case promptly in his favor, and by leaving some aspects of the suit unresolved for several months. (Until a final judgment has been entered on all claims, complainant cannot appeal.) He also asserts that the judge must be biased against him.

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.

This is the second time this month that complainant has charged a judge with misconduct. My order dismissing his first (No. 07-11-90060) informed complainant about §352(b)(1)(A)(ii) and added that adverse decisions do not support a charge of bias. The current complaint ignores both §352(b)(1)(A)(ii) and my decision. If complainant should file a future charge under the 1980 Act without making a serious effort to show how it is compatible with §352(b)(1)(A)(ii), I will dismiss it summarily and direct complainant to show cause why the Judicial Council should not curtail his

apparently frivolous invocation of the Act's procedures. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.