

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

December 13, 2011

FRANK H. EASTERBROOK
Chief Judge

No. 07-11-90076

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a defendant in a pending criminal prosecution, contends that a federal magistrate judge has allowed the prosecutor to delay the start of trial unduly. Complainant wants me to direct the magistrate judge to ensure that trial begins in January 2012.

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. Orders setting (or affecting) the date of trial are “procedural rulings” under the statute.

If trial should be unduly delayed, and if that delay should deny complainant his rights under the Constitution or the Speedy Trial Act, a remedy will be available on appeal from the final decision. The Judicial Council is an administrative rather than a judicial body and does not supervise the handling of ongoing litigation.