

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

December 13, 2011

FRANK H. EASTERBROOK
Chief Judge

No. 07-11-90077

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant was convicted of a federal crime and is now on supervised release. A petition to revoke that release is pending. Complainant asserts that the conviction is based on fraudulent allegations and testimony. He asserts that the district judge has committed misconduct by not using the current proceedings as a means to reexamine the validity of his conviction, and by allowing him to be convicted in the first place.

Before his conviction, complainant filed two charges under the Judicial Conduct and Disability Act of 1980; a friend filed a third, similar, charge. All three contained allegations similar to those now advanced (including a contention that the judge should have recused herself). I dismissed all of these charges on the basis of 28 U.S.C. §352(b)(1)(A)(ii), which provides that 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).

Despite the fact that he has been informed about the language and effect of §352(b)(1)(A)(ii), complainant continues to ignore that statute. The current complaint does not mention it (or my decisions relying on it) or suggest any reason why the current allegations are outside its scope. Any future complaint that does not make a

serious effort to show how it is compatible with §352(b)(1)(A)(ii) will be dismissed summarily, and I will order complainant to show cause why the Council should not enter an order curtailing his apparently frivolous invocations of the 1980 Act. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.