

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

January 17, 2012

FRANK H. EASTERBROOK
Chief Judge

No. 07-12-90002 to -90005

IN RE COMPLAINT AGAINST FOUR JUDICIAL OFFICERS

MEMORANDUM

Complainant filed a suit in a district court within this circuit. The judge transferred it to a federal district court within another circuit. Complainant appealed, and a panel of the court of appeals dismissed for want of appellate jurisdiction because a transfer order is not a “final decision” for the purpose of 28 U.S.C. §1291. See *Van Cauwenberghe v. Biard*, 486 U.S. 517 (1988).

Complainant then filed a civil suit against these four judges and many other public officials. He prepared an “Emergency Complaint of Judicial and Official Misconduct” and an accompanying “Report” that he has sent to the Chief Judges of every court of appeals (and many other persons). Because the “Report” concerns four judicial officers within this circuit, I have treated it as a complaint under the Judicial Conduct and Disability Act of 1980. Because the 1980 Act applies only to judicial officers, the fact that the “Report” states grievances against officers of the Executive Branch is not relevant for current purposes; nor does the authority of this circuit’s Judicial Council extend to complainant’s grievances about the conduct of judicial officers in other circuits.

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 complainant's "Report" fit that description. The four judges rendered decisions that complainant finds unsatisfactory. He disagrees not only with the transfer order and the decision dismissing his appeal, but also with the way in which the district judge handled the collection of the filing fee. That is a "procedural ruling" for the purpose of the 1980 Act.

Complainant's assertion that the many persons named in his "Report" have engaged in a sprawling conspiracy to violate his civil rights does not justify departure from §352(b)(1)(A)(ii). The only acts that aggrieve complainant are decisions on the merits of, or procedural issues in, his litigation. Review of such decisions belongs within the judicial system (such as by a petition for certiorari); the Judicial Council is an administrative body and not a means to obtain an alternative form of appellate review.