

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

April 9, 2012

FRANK H. EASTERBROOK
Chief Judge

Nos. 07-12-90018 and -90019

IN RE COMPLAINT AGAINST TWO JUDICIAL OFFICERS

MEMORANDUM

Complainant was the plaintiff in a civil suit resolved last year by a district court. He contends that both the magistrate judge and the district judge committed misconduct by ruling in defendants' favor.

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. Complainant believes that the judges misapplied the rules of procedure and misunderstood the nature of his claims. These would have been appropriate arguments for appeal (none was taken); they do not provide a basis for a complaint under the 1980 Act. Although complainant accuses the judge of bias, the adverse decisions supply the only evidence supporting that charge. Every suit produces a loser; that this is so does not support an inference of bias. See *Liteky v. United States*, 510 U.S. 540 (1994).

Complainant asks the Judicial Council to impose \$50,000 in sanctions on the defendants. This simply demonstrates that the complaint concerns the resolution of the suit and therefore is barred by §352(b)(1)(A)(ii). The Council is an administrative rather than a judicial body.