

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

July 23, 2012

FRANK H. EASTERBROOK
Chief Judge

No. 07-12-90046 to -90048

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Following an adverse decision in a civil suit, complainant took an appeal and filed several motions, such as a demand that a lawyer representing his adversary be disbarred. A three-judge panel concluded that the appeal and all of the motions were frivolous, and it not only dismissed the appeal but also granted the appellee's motion for sanctions. The panel barred complainant from engaging in other civil litigation until he paid the sanction and all outstanding filing fees. See *Support Systems International, Inc. v. Mack*, 45 F.3d 185 (7th Cir. 1995).

Complainant asserts that the three appellate judges have committed misconduct. Aware of 28 U.S.C. §352(b)(1)(A)(ii), which provides that any complaint "directly related to the merits of a decision or procedural ruling" must be dismissed, complainant disclaims any objection to the substance of the adverse decisions. Instead he asserts that the appellate judges have accepted bribes; conspired with the appellee in *ex parte* discussions; discriminated against complainant on account of race, ethnicity, and sex; treated complainant "in a demonstrably egregious and hostile manner"; engaged in a criminal conspiracy to fix cases; and are "tyrants" like Hitler.

These are serious charges, for which complainant has not a shred of evidence. The sole basis of his complaint is the court's written decision. The case was decided without oral argument; the panel of judges had no opportunity to treat complainant in *any* manner, hostile or otherwise. And the court of appeals does not disclose the identity of

panels in advance; the appellee would have had no opportunity to offer a bribe, and counsel for appellee could not have made *ex parte* submissions.

Rule 6(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings requires a complaint to contain a concise statement of factual details. This complaint has no factual information at all. It is a litany of things that judges *could* do wrong, coupled with an assertion that these judges just must have done these things. But adverse decisions do not imply judicial misconduct. See *Liteky v. United States*, 510 U.S. 540 (1994). Every lawsuit produces at least one loser, and the fact that a decision has gone against a litigant who believed he should have won is true of every case. It is not a basis for complaint under the Judicial Conduct and Disability Act of 1980.

The chief judge must dismiss any complaint “lacking sufficient evidence to raise an inference that misconduct has occurred”. 28 U.S.C. 352(b)(1)(A)(iii). I dismiss this complaint under that provision. If complainant believes that he can use the 1980 Act’s procedures to continue making the sort of frivolous and baseless charges that have led to the *Mack* order, he is mistaken. Another similar complaint will lead me to initiate the procedures for limiting abuse of the 1980 Act’s processes. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.