

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

August 6, 2012

FRANK H. EASTERBROOK
Chief Judge

No. 07-12-90059

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant was recently found guilty by a jury and sentenced to prison by the judge. He accuses the judge of misconduct in handling these proceedings.

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’s only grievances against the judge concern the judge’s adverse rulings. These may be contested on appeal (one is pending); the Judicial Council is not an alternative forum.

This is the second time complainant has tried to use the 1980 Act to contest the judge’s rulings. I dismissed the first complaint (No. 07-12-90037) and informed complainant about §352(b)(1)(A)(ii). His current complaint, which is substantially similar to the first, ignores that statute and my earlier decision. 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 frivolous invocation of the 1980 Act. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.