

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

January 23, 2013

FRANK H. EASTERBROOK
Chief Judge

No. 07-13-90006

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is a plaintiff in a civil suit recently dismissed by a district judge. He contends that the judge's decision constitutes misconduct.

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. The remedy for an incorrect decision lies in appeal, not a complaint to the Judicial Council.

Complainant asserts that the judge must be biased and speculates that the judge may have engaged in *ex parte* discussions with one of the defendants. But the adverse decision is the only basis for these assertions. A litigant cannot avoid §352(b)(1)(A)(ii) by making bald and unsupported accusations.