

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

March 14, 2013

FRANK H. EASTERBROOK
Chief Judge

No. 07-13-90014

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the subject of multiple orders that restrict his filings until he pays sanctions that have been imposed for frivolous litigation. He contends that a judge who entered one of these orders committed 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. Complainant believes that the orders should not have been entered. That could have been the subject of a petition for rehearing, and potentially a petition for a writ of certiorari. The 1980 Act does not permit the Judicial Council to address the merits of judicial decisions. Section 352(b)(1)(A)(ii) cannot be evaded by asserting, as complainant does, that a judge of the court of appeals has “conspired” with a district judge. There is nothing wrong with communication among judges. Nor can it be evaded by a general assertion of bias. See Rule 3(h)(3)(A) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. What is more, the only foundation for the claim of bias is the adverse decision, which does not support an inference of bias. See *Liteky v. United States*, 510 U.S. 540 (1994).