

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

April 8, 2013

FRANK H. EASTERBROOK  
Chief Judge

No. 07-13-90021

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a prisoner, filed a petition for a writ of habeas corpus. He contends that the judge has committed misconduct because, although more than a month has elapsed, the judge has not addressed the petition's contentions.

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. Deciding which cases deserve priority is a procedural decision. That is why the statute excludes "an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases." Rule 3(h)(3)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. Complainant does not provide any reason to believe that the judge has delayed because of an improper motive or displays habitual delay.

Last August complainant filed a complaint (No. 07-12-90062) against a different district judge. I dismissed it under §352(b)(1)(A)(ii). Yet although my earlier order informed complainant about both §352(b)(1)(A)(ii) and the Rules for Judicial-Conduct and Judicial-Disability Proceedings, he did not try to show how his current complaint is

compatible with the statute and the rules. Any further complaint that does not make a serious effort to show how it is proper under the statute and rules will be dismissed summarily, and I will order complainant to show cause why the Judicial Council should not curtail his apparently frivolous invocations of the 1980 Act.