

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

June 24, 2013

FRANK H. EASTERBROOK
Chief Judge

No. 07-13-90040

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Since his conviction 20 years ago in a federal court in Wisconsin, complainant has been in prison. He contends that the conviction and sentence are erroneous (although the court of appeals has ruled otherwise) and has made so many attempts to upset them that the district court entered an order providing that they would be filed without action. Complainant then filed a suit in California, which transferred it to Wisconsin, where the district judge dismissed it. He accuses the judge of misconduct and wants the Judicial Council to order the suit transferred back to California.

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 way to obtain review of an adverse decision is by appeal from the final judgment. The Judicial Council is an administrative body.

Complainant asserts that the judge must be biased against him, but the adverse decisions are the only evidence of bias that complainant adduces. Adverse decisions do not show bias. See *Liteky v. United States*, 510 U.S. 540 (1994). Every judicial decision disappoints at least one of the litigants. One litigant’s belief that he should have prevailed rather than lost may provide grounds for appeal but does not raise an

inference of bias. What is more, a judge's decision that he or she is qualified to serve is a procedural ruling for the purpose of §352(b)(1)(A)(ii). The court of appeals, not the Judicial Council, supplies the forum for review.