

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

July 3, 2013

FRANK H. EASTERBROOK
Chief Judge

No. 07-13-90042

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant asserts that the district judge assigned to one of his cases is biased against him and should be removed.

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. A judge’s decision to continue serving in a particular case is a procedural ruling. *Id.* at 146; see also Rule 3(h)(3)(A) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. The court of appeals may provide a forum for review of an order concerning disqualification; the Judicial Council does not.

Several months ago complainant filed a complaint about the magistrate judge assigned to this litigation. When dismissing that complaint (No. 07-13-90013) I informed him about §352(b)(1)(A)(ii) and the Rules for Judicial-Conduct and Judicial-Disability Proceedings. Yet the current complaint ignores both the statute and the rules. Complainant has filed so many frivolous suits and appeals that in 1997 the court of appeals entered an order limiting his ability to engage in civil litigation. These two complaints under the 1980 Act, coming in close succession, suggest that complainant has moved his campaign to a new forum, which is not covered by the 1997 order. Any

further complaint that does not make a serious effort to show how it is compatible with §352(b)(1)(A)(ii) and the Rules will be dismissed summarily, and I will order complainant to show cause why the Judicial Council should not enter an order curtailing his apparently frivolous invocations of the 1980 Act.

In any future charge, complainant also must be specific about the basis of his factual allegations. Complainant accuses the district judge of bias by providing what purport to be quotations from proceedings in open court. But the complainant does not provide the dates on which these proceedings occurred or cite to the pages of the transcripts, so it is impossible for me to check the accuracy of his allegations. Given complainant's track record of frivolous contentions, which led to the 1997 order, I am inclined to think these "quotations" fictitious. If complainant wants his allegations to be taken seriously, he must provide support for them. See Rule 6(b)(2) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.