

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

July 3, 2013

FRANK H. EASTERBROOK
Chief Judge

No. 07-13-90043

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a state prisoner, filed a civil suit under 42 U.S.C. §1983. A district judge decided in defendants' favor and later entered an order denying complainant leave to appeal *in forma pauperis*. Complainant asserts that these decisions constitute 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. If the judge erred, the right forum for relief is the court of appeals. The Judicial Council is an administrative rather than a judicial body.

Complainant asserts that the judge must be in cahoots with the defendants' lawyers. But the adverse decisions themselves supply the only "evidence" on which complainant relies. Every judicial decision disappoints at least one of the litigants. This is the judge's job. That the loser sincerely believes that he should have prevailed does not offer any reason to doubt the judge's impartiality or to assert that misconduct must have occurred. See *Liteky v. United States*, 510 U.S. 540 (1994). Error (if one occurred) is a reason for appeal, not for suspecting misconduct.