

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

July 8, 2013

FRANK H. EASTERBROOK
Chief Judge

No. 07-13-90044

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the plaintiff in a pending civil suit. He contends that the district judge has not acted quickly enough and is biased against him.

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. Both allegations of delay and allegations of bias are covered by §352(b)(1)(A)(ii). See Rule 3(h)(3) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Both the *Report* and Rule 3(h)(3) make an exception for situations in which a judge is generally unable to handle work expeditiously. Complainant does not contend that the subject judge is unable to keep up with her work; his arguments are case specific. And the allegation of bias appears to be based on the delay plus the judge’s former service in the state judiciary, rather than any evidence that would meet the standards of *Liteky v. United States*, 510 U.S. 540 (1994). The court of appeals denied complainant’s request to remove the district judge from the case. The Judicial Council does not provide a means to contest that appellate decision.