

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

August 21, 2013

FRANK H. EASTERBROOK
Chief Judge

No. 07-13-90057

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a state prisoner, was the plaintiff in a civil suit under 42 U.S.C. §1983, which the district judge dismissed after concluding that complainant is challenging his custody, relief that may be available via 28 U.S.C. §2254 but cannot be obtained under §1983. He contends that this decision constitutes 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. The court of appeals, not the Judicial Council, is the right forum for a contention that a district judge erred.

Complainant appears to think that he is entitled to a judge of a particular race, and appointed by a particular political party. That contention is frivolous. The 1980 Act is not a means by which any litigant can select a judge of his liking.