

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

August 29, 2013

FRANK H. EASTERBROOK
Chief Judge

No. 07-13-90061

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a state prisoner, contends that a district judge committed misconduct by denying his petition for collateral relief under 28 U.S.C. §2254.

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 remedy is by appeal to the court of appeals. The Judicial Council is an administrative body and does not review district judges’ decisions. Complainant’s assertion that the district judge’s opinion contains factual mistakes does not take his situation outside §352(b)(1)(A)(ii). Complainant can advance this argument in his appellate application for a certificate of appealability and, if a certificate is issued, his appellate brief.