

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

September 16, 2013

FRANK H. EASTERBROOK
Chief Judge

No. 07-13-90071

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant filed a civil suit, which a district judge dismissed. Complainant asserts 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 remedy for an error, if one occurred, lies in an appeal; the Judicial Council is an administrative body. Section 352(b)(1)(A)(ii) cannot be avoided by accusing the judge of “fraud” or harboring a “malicious intent” when, as here, the only basis for either accusation is the adverse decision itself.