

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

September 13, 2013

FRANK H. EASTERBROOK
Chief Judge

Nos. 07-13-90065 to -90070

IN RE COMPLAINTS AGAINST SIX JUDICIAL OFFICERS

MEMORANDUM

Complainant filed multiple civil suits last year. All of the suits filed in a particular district were dismissed after complainant failed to pay the filing fees, despite rulings that he is not entitled to litigate in forma pauperis. (I refer to one district only; complainant has filed suits in many districts across the country.) This district court's executive committee then prohibited him from filing further suits without the committee's leave. He contends in six separate, but materially identical, complaints that all of the district judges who participated in these events committed 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 these complaints fit that description. An order denying leave to proceed in forma pauperis, or requiring clearance of new suits through a judicial committee, is a "procedural ruling". If the judges erred, the remedy would have been by appeal. But complainant did not file appeals, and the time to do so expired more than a year ago.

The complaints assert that the judges must be incompetent or biased against him, but these assertions rest on nothing more than the adverse decisions. An adverse decision does not suggest bias or any other misconduct. See *Liteky v. United States*, 510

U.S. 540 (1994). A judge's job is to decide cases. Every final decision, and every procedural step, may disappoint a losing litigant who sincerely believes that he should have prevailed. A claim of error is grist for the appellate process; it does not even hint at bias or other misconduct.