

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

November 29, 2006

FRANK H. EASTERBROOK
Chief Judge

No. 06-7-372-42

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

The complainant believes that a federal district judge is disqualified from presiding in a pending suit because both the judge (before his appointment to the bench) and his son-in-law (currently) have been active in politics.

The complainant does not allege, however, that the judge had any personal involvement with the events of his litigation or any knowledge of them acquired off the bench. That the judge lives in the same city as two of the litigants is not relevant; the city in question is large and, as I have said, there is no allegation of personal knowledge of any fact material to the litigation. Nor does a judge's career and choice of political associates before joining the bench require disqualification. See *United States v. Murphy*, 768 F.2d 1518 (7th Cir. 1985). That the judge's son-in-law has worked in politics with litigants also does not disqualify the judge under either 28 U.S.C. §144 or 28 U.S.C. §455.

Accordingly, this complaint is dismissed because the acts in question do not demonstrate judicial misconduct.