

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

July 31, 2008

FRANK H. EASTERBROOK
Chief Judge

No. 07-08-90066

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is disappointed that a district judge has denied his petition for a writ of habeas corpus. He previously contended that, because the judge should have afforded relief but did not do so, the judge must have committed misconduct in office. Less than a week after I dismissed that complaint (No. 07-08-90063), he filed another. The second complaint again maintains that the judge should have ruled in his favor.

The Judicial Conduct and Disability Act of 1980 is not a means to obtain review of an adverse decision. 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). I informed complainant of this provision when dismissing his previous complaint. His current complaint ignores both §352(b)(1)(A)(ii) and my previous decision. This complaint, like the first one, must be dismissed, and for the same reason. If the district judge has erred, the remedy lies in the court of appeals, not in the Judicial Council. (Complainant has two appeals pending.)

Any future complaint that fails to present a serious argument about how it is compatible with §352(b)(1)(A)(ii) and other limitations in the 1980 Act will be dismissed summarily, and I will order complainant to show cause why the Judicial Council should not take steps to curtail further misuse of the 1980 Act's procedures. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.