

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

October 31, 2008

FRANK H. EASTERBROOK
Chief Judge

No. 07-08-90101

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant asserts that he now has evidence “directly conflicting previously submitted Judicial Council Memorandum of Oct 22 2007” (No. 07-7-352-39). He asserted in that complaint that a district judge had arbitrarily ordered his arrest and the search of his hotel room. I dismissed that complaint, observing that no evidence supports the allegations and that the judge in question denied them.

Here is the pertinent language from my earlier order: “The judge replied that the Marshal Service investigated complainant on its own initiative after discovering that he not only had written multiple letters to the judge but also had approached the judge near a door of the courthouse when the judge was accompanied by a security detail. Nothing happened at the time of the meeting; the Marshal Service did not learn until later that the letter-writer and the man who approached the judge were the same person. The judge continues: ‘I have never spoken to anyone outside chambers or the USMS about [complainant]. I did not ever enter an order that he be arrested or even request that he be arrested. I have had no personal contact of any sort with [complainant] other than the lunch time encounter I described.’” Complainant now insists that he can show that this representation is false.

The document (a parole violation report) attached to complainant’s new charge is not new. It has been in his possession since July 2006. There is no reason why he could not have brought it to my attention in 2007. What’s more, the document is irrelevant. The language on which complainant relies is to the effect that a Deputy U.S. Marshal told complainant’s parole supervisor that complainant had been in contact with a district judge and that the Marshal Service had obtained copies of the correspondence after complainant approached the judge in the lobby of the courthouse. I assume now (as I did in 2007) that the judge (or the judge’s staff) furnished this correspondence to the Marshal Service. That is not inconsistent in any way with the judge’s representation that she did not order complainant arrested or his hotel room searched.

My memorandum in 2007 told complainant that “[i]t is not judicial misconduct to inform law-enforcement personnel about correspondence that could be construed (or, as complainant would have it, misconstrued) as threatening. Federal judges (and the families of judges) have been assassinated by disgruntled litigants, and investigating the authors of questionable correspondence is one appropriate task of the Marshal Service.” That remains true.

This is complainant’s fifth charge under the Judicial Conduct and Disability Act of 1980. All grow out of his dealings with district judges and his proclivity for correspondence (and on occasion lawsuits) that have caused judges to believe that their safety is in jeopardy. I have explained repeatedly that judges are entitled to take steps, such as requiring complainant to be escorted while in the courthouse, that are related to judicial security—whether or not complainant deems those steps warranted. Further complaints that present fundamentally the same allegations will be dismissed summarily as frivolous, and I may ask the Council to enter an order restricting complainant’s inappropriate use of the 1980 Act’s procedures. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. (This is complainant’s second warning. The first was in No. 07-7-352-43. There will not be a third warning.)