

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

March 19, 2007

FRANK H. EASTERBROOK
Chief Judge

No. 07-7-352-12

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, the defendant in a pending criminal prosecution, contends that the district judge has committed misconduct. Most of the allegations center around the judge's decision to revoke complainant's release and order him to remain in custody pending trial. Complainant believes that he did not receive adequate notice that he remained bound by the conditions of release set by a magistrate judge (it was complainant's violations of these conditions that led to the revocation of his release), that the revocation hearing was inadequate, and that keeping him in custody is inappropriate substantively. He also contends that the court has violated his right to a speedy trial.

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). Most allegations of this complaint fit that description. "Any allegation that calls into question the correctness of an official action of a judge ... is merits related." Standard 2, *Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice* 145 (2006).

An order requiring a defendant to remain in custody pending trial is immediately appealable, but complainant did not file an appeal. (He did appeal from two earlier orders in the case; these appeals have been dismissed for lack of appellate jurisdiction.) Other issues, such as the timing of the trial, may be raised on appeal from the final decision. A complaint under the 1980 Act is not a means to reopen questions that have been resolved adversely to the complainant.