

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

April 9, 2007

FRANK H. EASTERBROOK  
Chief Judge

No. 07-7-352-14

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the plaintiff in a civil action. He maintains that the district judge should have disqualified herself after making what complainant believes are several erroneous rulings with respect to the conduct of discovery and management of the litigation.

It is evident that complainant misapprehends the circumstances that require a judge's recusal. Even a long string of rulings adverse to a litigant does not imply disqualifying bias. See *Liteky v. United States*, 510 U.S. 540 (1994). What is more, although complainant recognizes that disagreement with a judge's rulings is not a basis for a complaint under the Judicial Conduct and Disability Act of 1980, see 28 U.S.C. §352(b)(1)(A)(ii), he errs in supposing that it is possible to circumvent this rule by asserting that the errors require recusal and then contesting the judge's decision to continue handling the case. "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). A decision to deny a motion for recusal is itself "an official action of [the] judge" for this purpose and thus is covered by §352(b)(1)(A)(ii). Standard 2, *supra*, at 146.

Complainant's arguments may be presented on appeal. The district judge granted summary judgment for the defendant last month, and time remains for filing a notice of appeal, which will allow the court of appeals to consider any issues that have been properly preserved for decision.