

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

April 23, 2007

FRANK H. EASTERBROOK
Chief Judge

No. 07-7-352-16

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a prisoner serving a state sentence, commenced a federal suit concerning the conditions of his confinement. The complaint was filed in December 2005, defendant waived service of process in August 2006 and moved for summary judgment, and briefing on that motion was completed in October 2006. The motion has been under advisement since then. Complainant is disappointed that decision has yet to be rendered.

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). The 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).

Although delay in judicial decision-making is unfortunate and undesirable, the substantial caseload assigned to federal judges makes it impossible for them to resolve all litigation with the dispatch that would characterize an ideal system. That is why decisions about the allocation of time are merits-related and outside the scope of the 1980 Act. See Standard 2, *supra*, at 146 (“A complaint of delay in a single case is properly dismissed as merits related.”). Delay in one case does not imply that the judge is unwilling or unable to handle the litigation on his docket.