

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

July 20, 2007

FRANK H. EASTERBROOK  
Chief Judge

No. 07-7-352-29

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant believes that the district judge presiding in two civil actions he has filed should have recruited counsel to assist him.

Allegations of this kind are barred by 28 U.S.C. §352(b)(1)(A)(ii), which provides that any complaint “directly related to the merits of a decision or procedural ruling” must be dismissed. “Any allegation that calls into question the correctness of an official action of a judge ... is merits related.” Standard 2 for Assessing Compliance with the Act, *Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice* 145 (2006). The right forum for this issue is an appeal from the final decision in each suit.

Complainant also asserts that the judge is biased against him, but he provides no evidence of this supposed bias other than the adverse rulings. Adverse rulings differ from bias. See *Liteky v. United States*, 510 U.S. 540 (1994). What is more, a judge’s decision not to recuse is itself related to the merits of a procedural ruling, and thus is outside the scope of the Act. See Standard 2, *supra*, at 146. (The *Report’s* exception for refusal to recuse if the judge *knows* that recusal was legally required is not at issue here. The complaint does not offer any basis for an inference that the judge actually knew that recusal was obligatory.)