

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

September 7, 2007

FRANK H. EASTERBROOK
Chief Judge

No. 07-7-352-33

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainants say that a district judge insulted them gratuitously in two opinions resolving their civil-rights suit. The first opinion dismissed the complaint to the extent that it named a state judge as a defendant, and the second opinion abstained from deciding the remainder of the contentions, because the subject is pending before the state judge.

According to complainants, in the first opinion the judge stated that they (as the plaintiffs) are not “intelligent.” Complainants have misread the opinion. The judge wrote that the complaint does not present “an intelligible federal claim” against the state judge. “Intelligent” (an attribute of persons) and “intelligible” (an attribute of prose) differ. Complainants’ IQ has not been deprecated. Even the smartest laypersons may fail to present legally intelligible arguments.

Complainants maintain that the judge must have believed, when writing the second opinion, that they want the state courts to carry out mere “wishes”; instead, complainants insist, they want their “rights” vindicated. Again complainants need to reread the opinion. The judge wrote that abstention may be appropriate even though the state court will not provide all the relief sought. That’s the burden of the sentence: “The inquiry, then, is not whether the state courts can do all that the plaintiffs wish they could, but whether the available remedies are adequate.”

Because complainants have misunderstood the district judge’s statements, they perceive aspersions that are not there. Doubtless plaintiffs wanted to

prevail in the federal suit, but the Judicial Conduct and Disability Act of 1980 does not supply a remedy for adverse decisions. See 28 U.S.C. §352(b)(1)(A)(ii). Complainants are entitled to present on appeal any contention that the district judge erred in understanding or resolving their contentions.