

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

November 19, 2007

FRANK H. EASTERBROOK  
Chief Judge

No. 07-7-352-48

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant filed a petition for a writ of habeas corpus. The district judge denied the petition 20 months later. He contends that this delay is conduct prejudicial to the effective and expeditious business of the federal courts. 28 U.S.C. §351(a).

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. The Judicial Conduct and Disability Act of 1980 does not provide a means to obtain review of “the merits of a decision or procedural ruling”. 28 U.S.C. §352(b)(1)(A)(ii). A judge’s decision about how best to allocate time among cases concerns “the merits of a ... procedural ruling” for this purpose. See 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) (“A complaint of delay in a single case is properly dismissed as merits related.”). The complaint does not contend that the judge in question is unable or unwilling to address pending matters promptly; it is instead a case-specific complaint about a single instance of delay, which under the *Report’s* framework is outside the 1980 Act and must be dismissed under §352(b)(1)(A)(ii).