

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

December 20, 2007

FRANK H. EASTERBROOK
Chief Judge

No. 07-7-352-53

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant filed an employment-discrimination suit in 2001. One claim was dismissed by the judge; the suit as a whole was dismissed voluntarily, apparently as the result of a settlement, in 2002. In 2005 complainant attempted to reopen this suit, contending that he had acquired additional evidence of the defendant's misconduct. The district court denied that motion in 2006, and complainant did not appeal. He did, however, file a new suit, which was assigned to the same district judge who had been assigned originally to the 2001 action (though that action had been resolved by a magistrate judge on the parties' consent). The judge dismissed the 2007 action as untimely, and complainant, who once again did not take an appeal, now maintains that the judge should have entertained the new suit on the merits. He writes: "I am only looking for justice for me and my family because of how i have been cheated ou to an opportunity."

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 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 Judicial Conduct and Disability Act of 1980 does not permit the Judicial Council to review an action taken by a judge in a judicial capacity.