

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

February 4, 2008

FRANK H. EASTERBROOK
Chief Judge

No. 08-7-352-06

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant asserts that the district judge has conspired with the Attorney General of a state to cover up crimes committed by persons he has sued. (These defendants are represented by the state's Attorney General.) The only reason that complainant gives for thinking that the judge has "conspired" with anyone is that the judge has resolved several procedural question in favor of the defendants and denied complainant's motion for recusal.

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). For this purpose, not only a procedural ruling but also a judge's decision to continue presiding is "directly related to the merits of a ... procedural ruling" unless the judge knows that he is disqualified. See *id.* at 146.

This is complainant's second charge against the same district judge, concerning the same litigation, in less than three months. My prior decision (No. 07-7-352-50) informed complainant about §352(b)(1)(A)(ii). His current complaint ignores that statute and my prior decision. I now notify complainant that any further use of the 1980 Act on his behalf will be treated as frivolous unless he makes a *bona fide* effort to show how his grievances are compatible with §352(b)(1)(A).