

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

March 27, 2008

FRANK H. EASTERBROOK
Chief Judge

No. 08-7-352-15

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant asserts that a magistrate judge, presiding by the parties' consent in a recently concluded case, "failed to research Wisconsin law concerning the admission of polygraph evidence" and as a result made an incorrect decision.

This complaint overlooks the fact that national rather than state law governs the use of evidence in federal court. How Wisconsin handles polygraph evidence in its own courts is irrelevant. What is more, 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). "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). This complaint fits that description.