

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

To begin the complaint process, complete this form and prepare the brief statement of facts described in item 5 (below). The RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, adopted by the Judicial Conference of the United States, contain information on what to include in a complaint (Rule 6), where to file a complaint (Rule 7), and other important matters. The rules are available in federal court clerks' offices, on individual federal courts' Web sites, and on www.uscourts.gov.

Your complaint (this form and the statement of facts) should be typewritten and must be legible. For the number of copies to file, consult the local rules or clerk's office of the court in which your complaint is required to be filed. Enclose each copy of the complaint in an envelope marked "COMPLAINT OF MISCONDUCT" or "COMPLAINT OF DISABILITY" and submit it to the appropriate clerk of court. **Do not put the name of any judge on the envelope.**

1. Name of Complainant: Walter Tuvell
Contact Address: 836 Main St.
Reading, MA 01867
Daytime telephone: (781) 475-7254

2. Name(s) of Judge(s): Frank Easterbrook
Court: Circuit Court of Appeals

3. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?

Yes No

If "yes," give the following information about each lawsuit:

Court: Seventh Circuit Court of Appeals

Case Number: 10-3964

Docket number of any appeal to the 7th Circuit: (This IS an appeal)

Are (were) you a party or lawyer in the lawsuit?

Party Lawyer Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number:

(N/A)

4. Have you filed any lawsuits against the judge?

Yes No

If "yes," give the following information about each such lawsuit:

Court: _____

Case Number: _____

Present status of lawsuit: _____

Name, address, and telephone number of your lawyer for the lawsuit against the judge:

Court to which any appeal has been taken in the lawsuit against the judge:

(This IS the appeal; the underlying District case was No. 1:10-cv-05512)

Docket number of the appeal: _____

Present status of the appeal: _____

5. **Brief Statement of Facts.** Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based. Include what happened, when and where it happened, and any information that would help an investigator check the facts. If the complaint alleges judicial disability, also include any additional facts that form the basis of that allegation.

6. **Declaration and signature:**

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

(Signature) WETuall

(Date) July 13, 2017

STATEMENT OF FACTS

What Happened, Where, And When

I hereby accuse Judge Frank Easterbrook of **Judicial Misconduct**, in connection with his role in the Seventh Circuit appellate case *Ryan v. U.S.*, №10-3964 (the nature of the appellate action was to vacate part of Ryan's prior criminal conviction/sentence). Specifically: he wrongfully *lied*¹ (***in on-the-record written/published opinions, and statements from the bench***), substantively adversely to Plaintiff Ryan, on the basis of his lies.

Grounds For Complaint

This section summarizes this Complaint ***only briefly/summarily*** (per instructions for filing this Complaint). For reference to ***complete details fully elaborated***, see the section *Further Information To Aid Investigation, infra*.

The primary source of information for this Complaint is the article (styled a "memoir") entitled *How Frank Easterbrook Kept George Ryan in Prison*, authored by Prof. Albert Alschuler, published in the Valparaiso University Law Review, Vol. 50, Issue 1, pages 7-87 (freely available at <http://scholar.valpo.edu/vulr/vol50/iss1/3/>) — which we refer to hereinafter as **the Memoir**. Quoting the Memoir ¶8:

In addition, this Memoir documents eight falsehoods told by Judge Easterbrook in written opinions and statements from the bench. These falsehoods included statements that the trial court gave instructions it did not give, that both the defendant and the government made arguments they did not make, that litigants in the Supreme Court made arguments they did not make, that the defendant and the government waived or forfeited arguments they did not waive or forfeit, that the Supreme Court said things it did not say, and that several of the defendant's sentences had expired when they had not expired.

These **eight lies/falsehoods** ("whoppers," the Memoir ¶12 calls them, as opposed to "minor misunderstandings or misinterpretations"), with which this Complaint is concerned, are presented in the Memoir (amongst its other explanatory/clarifying content) at the following indicated page numbers (which we merely list here, referring to the Memoir itself for *full details*):

1 • "Lie" = "known falsehood intended to harm" ~ "**abuse of judicial power.**"

- Falsehood #1 — ¶44.
- Falsehood #2 — ¶46.
- Falsehood #3 — ¶51.
- Falsehood #4 — ¶55.
- Falsehood #5 — ¶68.
- Falsehood #6 — ¶74.
- Falsehood #7 — ¶12, 75.
- Falsehood #8 — ¶77.

Further Information To Aid Investigation

The primary source of information for this Complaint is the Memoir itself, as described *supra*.

A plethora of additional documents (both primary documents such as published court opinions, and secondary documents such as press reports) is freely/easily available at <http://JudicialMisconduct.US/CaseStudies/RYANvUS%28ALSCHULERvEASTERBROOK%29/Story>. (For convenience, a screenshot of this page is included, *infra*.)

Finally, of course, the official court filings/records for *Ryan v. U.S.*, and the cases related thereto (all of which are freely/easily available to the Judicial Council) should/must be consulted by the Council, if/as/when the need arises.

NOTE: If required/requested to do so, I can/will provide hard-copies of documents mentioned in this section. Otherwise, I can/will assume the references provided (such as Internet URLs) suffice.

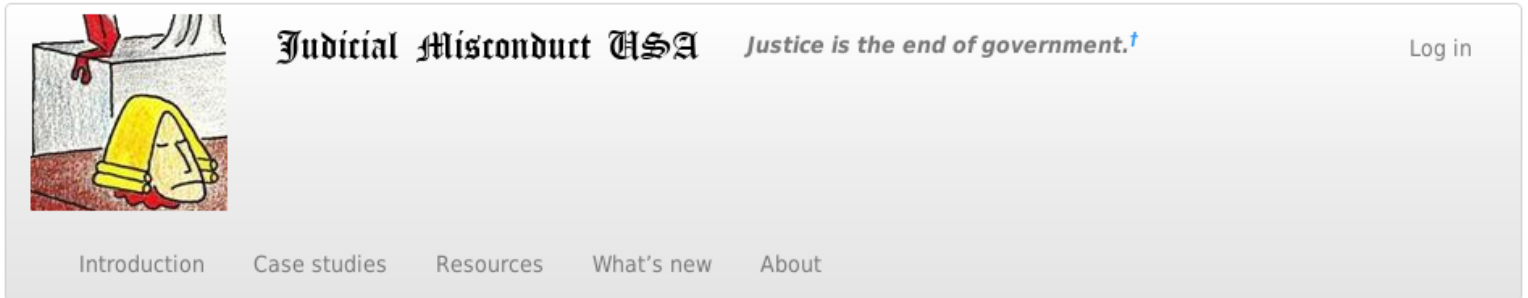
SPECIAL MOTION/REQUEST: REMOVAL/TRANSFER

I hereby **move** (or “request”) that this Complaint be **removed** from the Seventh Circuit Judicial Council, and **transferred** to a different Circuit. The reason is that Judge Easterbrook served as Chief Judge of the Seventh Circuit at the time of events, and therefore **bias** adheres (certainly in “appearance,” perhaps in “actuality”), thereby **tainting** the authority of any ruling issuing from the Seventh Circuit. It is even not beyond imagining that retribution from Judge Easterbrook upon the reviewing Seventh Circuit judges may be a consideration (“fear of speaking truth to power,” noting that the Memoir ¶49 literally portrays Judge Easterbrook as a “bully”).

This motion/request for removal/transfer is eminently reasonable. For, there is recent relevant/parallel precedent (involving a former chief judge) for such removal/transfer, in the similarly high-public-profile case of Judge Edith Jones (<http://JudicialMisconduct.US/CaseStudies/InReEDITHJONES/Story>).

Screenshot of Webpage [http://
JudicialMisconduct.US/CaseStudies/RyanvUS
%28ALSCHULERvEASTERBROOK%29/Story](http://JudicialMisconduct.US/CaseStudies/RyanvUS%28ALSCHULERvEASTERBROOK%29/Story)

► Screenshot starts here, proceeds in segments to end of document. ◀



Ryan v. U.S. (“Alschuler v. Easterbrook”)



Governor George Ryan



Judge Frank Easterbrook



Prof. Albert Alschuler

How Frank Easterbrook Kept George Ryan in Prison

In July, 2016, the respected [Valparaiso University Law Review](#) published an extraordinary blockbuster article (styled a “**Memoir**”), written by a respected professor of law, [Albert Alschuler](#), telling the story of how a respected (“renowned”) judge, [Frank Easterbrook](#) of the [7th Federal Cir. Court of Appeals](#) (and, incidentally, a colleague of Alschuler’s at U. Chicago), committed Judicial Misconduct from the bench, with the biased/illicit/illegal goal of keeping [George Ryan \(former governor of Illinois\)](#) in prison (the nature of the appellate action was to vacate part of Ryan’s prior criminal conviction/sentence; Alschuler was Ryan’s lead appellate attorney).

Publication of the Memoir amounted to a “scandalous”/“tell-all” exposé, breaking the legal profession’s “code of silence” regarding corrupt/criminal judges who commit obstruction of justice. The combination of the Memoir’s impeccable provenance from an unimpeachable source (knowledgeable/academic, not “mere/emotional sour grapes”), excruciating detail (fully documented), and masterful presentation, caused a major convulsion, reverberating throughout the American legal establishment (which unfortunately, though unrebutted to date, has not yet led to measurable reform in the judicial system):

- [George Ryan Gallery](#) √.
- [Greenbag](#) √.
- [CrimProf Blog](#) √.
- [Legal Ethics Forum](#) √.
- [Crain’s Chicago Business](#) √.
- [Chicago Daily Law Bulletin](#) √.
- [ABA Journal](#) √.
- [DC Circuit Review](#) √.
- [Daily Journal](#) √.
- [Justia Verdict](#) √.
- [Albuquerque Journal](#) √.
- [Injustice Watch](#) √.

The case of *Ryan v. U.S.* (a.k.a. “*Alschuler v. Easterbrook*”) represents, rather certainly, the leading instance/object-lesson of Judicial Misconduct on record^α (though it wasn’t formally/officially prosecuted as a case of [Judicial Misconduct](#) *per se*). *Alschuler’s* Memoir “speaks for itself,” is exhaustive, and cannot be bettered.^β For that reason, we do no more in this place than offer a convenient repository for case documents, advertising/facilitating/urging readers to study this case.

α· Perhaps the most notable previous fusillade, by professor [Anthony D’Amato](#) ∟, also targeted Judge Easterbrook: (i) [Chicago Tribune, John Branion Story](#) ∟; (ii) [Illinois v. Branion \(1970\)](#) ∟; (iii) [Branion v. Gramly, 855 F.2d 1256 \(7th Cir 1988\)](#) ∟; (iv) [Chicago Tribune \(1988\)](#) ∟; (v) [New York Times \(1989\)](#) ∟; (vi) [11 Cardozo L. Rev. 1313 \(Jul/Aug 1990\)](#) ∟; (vii) [26 U. C. Davis L. Rev. p527-582 \(1992-93\)](#) ∟.

β· Well, there is *one* minor sense in which this case may be considered “deficient” (if that’s the best term), namely, it’s a “lawyer’s case,” that is, it’s full of low-level technical/legalistic twists-and-turns, that only a lawyer can fully appreciate. By contrast, [Tuvell v. IBM](#) is a high-level model of layperson-friendly simplicity, hence more suitable as a “perfect test-case” of Judicial Misconduct.

- [How Frank Easterbrook Kept George Ryan in Prison \(VULR v50 Ì1 p7-87\)](#) ∟. — **The Memoir.**
- [Ryan v. U.S., Jury Instructions.](#)
- [U.S. v. Warner \(& Ryan\), 498 F.3d 666 \(2007\)](#) ∟.
- [U.S. v. Warner \(& Ryan\), 506 F.3d 517 \(2007\)](#) ∟ ∟.
- [Ryan v. U.S., Docket.](#)
- [Ryan v. U.S., District Court Record.](#)
- [Ryan v. U.S., Appellant Brief.](#)
- [Ryan v. U.S., Appellant Appendix.](#)
- [Ryan v. U.S., Appellee Brief.](#)
- [Ryan v. U.S., Appellant Reply Brief.](#)
- [Ryan v. U.S., Appellant Additional Authority.](#)
- [Ryan v. U.S., Oral Argument \(2011\), audio](#) ∟; [transcript.](#)
- [Ryan v. U.S., Appellant Post-Argument Supplemental Memorandum.](#)
- [Ryan v. U.S., Appellant Post-Argument Appendix.](#)
- [Ryan v. U.S., Appellee Post-Argument Supplemental Memorandum.](#)
- [Ryan v. U.S., Opinion/Decision, 645 F.3d 913 \(7th Cir 2011\)](#) ∟.
- [Ryan v. U.S., Petition for Rehearing \(2011\).](#)
- [Ryan v. U.S., Petition For Writ of Certiorari](#) ∟.
- [Ryan v. U.S., Brief in Opposition](#) ∟.
- [Ryan v. U.S., Reply to Brief in Opposition](#) ∟.
- [Skilling v. U.S. \(2012\).](#)
- [Ryan v. U.S., Opinion/Decision, 132 S.Ct. 2099](#) ∟.
- [Ryan v. U.S., Appellant Position Statement.](#)
- [Ryan v. U.S., Appellee Position Statement.](#)
- [Ryan v. U.S., Oral Argument \(2012\), audio](#) ∟; [transcript](#) →N/A←.
- [Ryan v. U.S., Opinion/Decision, 688 F.3d 845 \(7th Cir 2012\)](#) ∟ ∟.
- [Ryan v. U.S., Petition for Rehearing \(2012\).](#)