

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

November 30, 2009

FRANK H. EASTERBROOK
Chief Judge

No. 07-09-90132

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, formerly a debtor in bankruptcy, contends that the bankruptcy judge erred by converting her proceeding from one under Chapter 13 to one under Chapter 7, later dismissing the proceeding, and denying repeated requests to reinstate. Complainant asserts that, because these rulings occurred without her consent, the judge has committed identity theft.

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). See also Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability proceedings. “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 allegations of this complaint fit that description. The remedy for erroneous judicial rulings is by appeal rather than a complaint under the 1980 Act. Calling judicial rulings “identity theft” does not add anything; there is no suggestion that the judge has used complainant’s Social Security number or line of credit to borrow money.

This is the second complaint about the subject judge’s rulings in this bankruptcy proceeding. When dismissing the earlier complaint, I informed complainant that epithets are not enough. (The last time around, complainant accused the judge of taking bribes, with no more evidence than the current charge of identity theft.) Complainant does not refer to my former ruling or try to show how her allegations come within the 1980 Act’s scope. Any further complaint that does not make a serious effort to show how it is compatible with the 1980 Act will be dismissed summarily, and I will direct complainant to show cause why the Judicial Council should not enter an order to curtail frivolous filings. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability proceedings.