

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 South Dearborn Street
Chicago, Illinois 60604

February 22, 2007

FRANK H. EASTERBROOK
Chief Judge

No. 07-7-352-7

IN RE COMPLAINT AGAINST TWO JUDICIAL OFFICERS

MEMORANDUM

The complaint alleges that the district judge who handled his civil suit, and the magistrate judge who made a recommendation to the district judge, committed misconduct by denying his motion for a default judgment when the defendants failed to file a timely answer to the complaint.

A judicial-misconduct complaint is not a means to obtain review of a judge's rulings. 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 way to present a claim of judicial error is to appeal. The complainant took an appeal but did not prosecute it diligently; he cannot reopen the matter via a complaint under the Judicial Conduct and Disability Act.