

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

November 30, 2010

FRANK H. EASTERBROOK  
Chief Judge

Nos. 07-10-90074

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant was the plaintiff in a civil suit that the district court resolved more than three years ago. The court of appeals affirmed the district court's order granting summary judgment for the defendants. Last year, complainant concluded that the district judge did not sign any of the orders entered in that case. She accuses the district judge of misconduct for allowing other persons, such as secretaries and deputy clerks, to sign the orders; complainant also appears to believe that it was misconduct for the judge not to ensure that all documents in the suit were transferred from the old paper record-keeping system to the current electronic system. Complainant also suggests that the judge erred by vacating a default and allowing defendants to file a belated answer.

A very similar complaint filed roughly a month ago (No. 07-10-90069) was dismissed under 28 U.S.C. §352(b)(1)(A)(ii), which excludes from coverage of the Judicial Conduct and Disability Act any complaint that is "directly related to the merits of a decision or procedural ruling". 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 current complaint does not refer to my order in No. 07-10-90069 or to §352(b)(1)(A)(ii). This complaint is dismissed on the authority of §352(b)(1)(A)(ii). Any future complaint that does not make a serious effort to show how it is compatible with that statute will be dismissed summarily, and I will direct complainant to show cause why the Council should not enter an order curtaining repetitious, frivolous complaints. See Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.