

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

August 3, 2011

FRANK H. EASTERBROOK
Chief Judge

No. 07-11-90041

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the plaintiff in a civil suit. In a proceeding conducted by a magistrate judge, complainant, who was represented by counsel, agreed to settle the litigation. Complainant later accused his lawyer of misconduct and attempted to withdraw from the settlement, contending that his assent had been coerced. The district judge recruited a second lawyer for complainant. After receiving the parties' submissions and reviewing the transcript of the proceedings before the magistrate judge, the district judge concluded that complainant had not been coerced and that the settlement is valid. The court ordered the suit dismissed with prejudice as soon as the defendant made the agreed payment. Complainant now accuses the district judge of misconduct for not ruling in his favor.

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. If the district judge erred, the remedy is by appeal rather than a complaint under the 1980 Act.

Complainant asserts that the judge's failure to place a manuscript signature on the order is a separate act of misconduct. But no statute or rule requires judges to sign their

opinions or orders. Fed. R. Civ. P. 58(b) provides that the clerk of court, not the judge, signs final decisions. And complainant's further assertion that the judge accepted a bribe from the defendant is unsupported. A person who accuses a federal judge (or anyone else, for that matter) of a crime must supply evidence; complainant furnishes none. He seems to believe that a bribe is the only explanation for the adverse decision. Yet for every winner in federal court there is at least one loser. That a case has a loser does not furnish any reason to suspect skullduggery. This aspect of the complaint is dismissed under §352(b)(1)(A)(iii).