

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

June 14, 2010

FRANK H. EASTERBROOK  
Chief Judge

Nos. 07-10-90033 & -90034

IN RE COMPLAINTS AGAINST TWO JUDICIAL OFFICERS

MEMORANDUM

Complainant, formerly a debtor in bankruptcy, contends that creditors falsely asserted the assignments of security interests and, with the connivance of complainant's lawyer, persuaded two bankruptcy judges to enter orders lifting the automatic stay. (The first of the judges was assigned to complainant's case; the second entered one of the contested orders on the first judge's behalf.) Complainant asserts that each of the two judges "erred in granting an Order Modifying Stay ... [t]o an unlisted party ... [n]ot to the Secured Creditor per the Chapter 7 Bankruptcy filing".

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 an error by a bankruptcy judge is an appeal to the district judge under 28 U.S.C. §158(a), not a complaint under the 1980 Act. Complainant's bankruptcy was concluded more than a year ago; no appeal was taken. A complaint under the 1980 Act cannot be used as an untimely appeal.