

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

July 3, 2007

FRANK H. EASTERBROOK
Chief Judge

No. 07-7-352-26

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant believes that the judge who handled his bankruptcy case “committed a felony” by revoking his discharge after concluding that he had defrauded his creditors. The judge also declined to initiate contempt proceedings that might have helped the Trustee in bankruptcy recoup from a third party (for the benefit of the bankruptcy estate) funds that the complainant accuses this third party of stealing.

It is evident from this recitation that the bankruptcy judge has not committed misconduct of any kind, let alone a crime. The Judicial Conduct and Disability Act of 1980 does not authorize collateral review of adverse decisions rendered during litigation. 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). “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). This complaint therefore is dismissed. Complainant’s remedy was an appeal (the time for which has long passed) rather than a complaint under the 1980 Act.