

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

December 15, 2009

FRANK H. EASTERBROOK
Chief Judge

No. 07-09-90134

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is the plaintiff in a federal civil action. He contends that some documents mailed from prison to the court have not been entered on the docket and that the district judge has denied his motion to conduct an investigation. He maintains that, by refusing to help him discover what happened to the documents, the judge has violated several criminal statutes.

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. Complainant filed a motion, which the judge denied.

To the extent that complainant believes that the absence of the documents, as opposed to the denial of the motion, reflects judicial misconduct, the proceeding is dismissed because the judge has not played a role in these events. The Postal Service is responsible for delivering documents to court, and personnel in the clerk's office process them once they arrive. The 1980 Act applies only to judicial officers. The complaint does not offer any reason to suppose that this district judge opens the mail and updates the docket sheet. Complainant relates that his prison does not provide as many free stamped envelopes as he desires, and if he mailed the documents without stamps the Postal Service would not have delivered them. At all events, the delivery and docketing of papers sent to the court is not within the scope of the 1980 Act.