

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

September 21, 2010

FRANK H. EASTERBROOK  
Chief Judge

No. 07-10-90058

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant filed a bankruptcy proceeding, which the judge dismissed on the ground that complainant had not filed all necessary documents. Complainant believes that the judge should have ordered the proceeding “stricken” rather than dismissed, and that by dismissing the case the judge committed misconduct.

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 bankruptcy judge erred by dismissing the case rather than striking the petition, the appropriate forum for such an argument was an appeal to the district court. The time for an appeal has long passed, and the 1980 Act is not a substitute form of appellate review.