

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

October 26, 2010

FRANK H. EASTERBROOK
Chief Judge

Nos. 07-10-90069 and -90070

IN RE COMPLAINT AGAINST TWO JUDICIAL OFFICERS

MEMORANDUM

Complainant was the plaintiff in a civil suit that the district court resolved more than three years ago. The court of appeals affirmed the district court's order granting summary judgment for the defendants. Last year, complainant concluded that the district judge did not sign any of the orders entered in that case. She accuses the district judge of misconduct for allowing other persons, such as secretaries and deputy clerks, to sign the orders; complainant also appears to believe that it was misconduct for the judge not to ensure that all documents in the suit were transferred from the old paper record-keeping system to the current electronic system. Complainant also suggests that the judge erred by vacating a default and allowing defendants to file a belated answer. The complaint names a magistrate judge as well as the district judge, but neither the complaint nor its attachments narrates any grievance about the magistrate judge's conduct. I therefore discuss only the district judge.

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). Action with respect to the default comes within this rule. Moreover, what steps a judge takes to memorialize a decision is an aspect of judicial procedure. No statute or rule requires a judge's manuscript signature on a decision (although some rules do require signatures by litigants, lawyers, and staff in the clerk's office). Whether papers in a given suit are tracked under one record-keeping system or another is a subject within the control of the Clerk of Court. The 1980 Act applies only to judicial officers. This aspect of the complaint therefore is dismissed as outside the scope of the Act. 28 U.S.C. §352(b)(1)(A)(i).