

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

January 4, 2011

FRANK H. EASTERBROOK
Chief Judge

No. 07-11-90001

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, a debtor in bankruptcy, is representing herself in an ongoing proceeding. She contends that the presiding judge erred in resolving an issue about the length of the statute of limitations. Complainant also contends that the judge committed an “act of vengeance” by construing a particular motion as a notice of appeal to the district court and leaving her too little time to file a proper appellate designation.

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.

This is complainant’s second charge against the same judge, and like the first it also accuses the judge of bias. I dismissed the first complaint (No. 07-10-90077) last year on the basis of §352(b)(1)(A)(ii). The current complaint does not mention that statute; apparently my order and this new complaint crossed in the mail. Complainant must understand, however, that the Judicial Council is not a forum to obtain review of a bankruptcy judge’s decisions—including a decision that ethical rules permit him to continue to act in a judicial capacity. A judge’s orders are open to review in the district court and the court of appeals, but not the Judicial Council.