

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

May 8, 2008

FRANK H. EASTERBROOK
Chief Judge

No. 07-08-90025

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant, formerly a debtor in bankruptcy, alleges that the bankruptcy judge failed to implement the automatic stay of a foreclosure sale, and later dismissed the case, in exchange for a bribe or bribes paid by a creditor, the creditor's lawyer, and the standing Chapter 13 trustee.

Bribery is a most serious charge, for which complainant supplies not a shred of evidence. Complainant believes that the sale (which may have occurred before the creditor received notice of the bankruptcy) should have been revoked, and that failure to take this step (instead the judge prevented complainant's eviction while the case was pending) shows that bribery must have occurred. This is a non-sequitur. The judge's action may have been entirely proper; if it was not, a simple error may have occurred. Courts of appeals reverse district judges all the time—and the Supreme Court reverses courts of appeals—without any reason to suspect that the error was other than honest. The way to obtain review of the bankruptcy judge's decision is to appeal, not to hurl a baseless charge of criminal conduct.

A complaint that is "lacking sufficient evidence to raise an inference that misconduct has occurred" must be dismissed. 28 U.S.C. §352(b)(1)(A)(iii).