

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

August 25, 2008

FRANK H. EASTERBROOK
Chief Judge

No. 07-08-90073

IN RE COMPLAINT AGAINST A JUDICIAL OFFICER

MEMORANDUM

Complainant is a prisoner whose request for federal collateral relief was denied. He has since filed several motions under Fed. R. Civ. P. 60(b) asking the district court to reconsider. These motions have been denied. Complainant asserts that notices of the judicial orders were sent to the wrong prison. When he asked the judge for extra time to appeal under Fed. R. App. P. 4(a)(6), the judge denied his motions.

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). “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 the complaint fit that description. Whether to authorize a belated appeal under Rule 4(a)(6) is a “procedural ruling.”

Complainant believes that the judge committed misconduct by not correcting the address to which the court’s orders were sent. Maintaining address records is not a judicial task, however. The clerk of court, and the clerk’s staff, rather than the judge, are responsible for keeping service lists up to date. Any error in performing this function is regrettable but is not a basis of action under the Judicial Conduct and Disability Act of 1980.