

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

**FILED**

MAR 11 2014

MICHAEL GANS  
CLERK OF COURT

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JCP No. 08-14-90001

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In re Complaint of John Doe<sup>1</sup>

This is a judicial complaint filed on January 27, 2014, by a pro se civil litigant against the United States district court judge who issued an order adverse to the complainant. The complainant had filed a complaint against multiple defendants in state court. One of the defendants removed the complaint to the United States district court. On October 1, 2009, the district court granted defendants summary judgment because the complainant lacked standing, but remanded some state law claims to the state court. The district court subsequently denied complainant's motions for reconsideration and relief. The Eighth Circuit Court of Appeals summarily affirmed the district judge's decision on August 24, 2010. After multiple filings by the complainant, the district judge directed the district court clerk "not to accept any further pleadings in this case from the Plaintiff without approval from the Court." Nevertheless, the district court clerk did docket the complainant's motion for recusal of the district judge on January 30, 2014. The district court has not yet ruled on the motion for recusal.

In this judicial complaint, the complainant first alleges the district court judge is the father of the judge assigned to a related case in state court. The complainant states, "Motions for recusal [were] filed asking both [judges] to recuse<sup>2</sup> due to their

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<sup>1</sup>Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit (E.C.), the names of the complainant and the judicial officer complained about are to remain confidential, except in special circumstances not present here.

<sup>2</sup>We have no jurisdiction to consider a motion to recuse filed in state court.

**RECEIVED**

MAR 10 2014

U.S. COURT OF APPEALS  
EIGHTH CIRCUIT

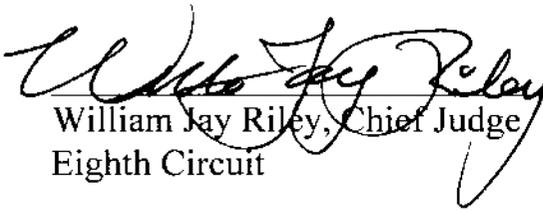
relationship as father and son[. There] was no response acknowledging the relationship.”

Second, the complainant alleges the district judge erred by allowing defendants “to act also as attorney for themselves.” The complainant claims “these actions were unethical and violated the rules of [a federal department] and the U.S. Code of Civil Procedure.”

The complainant’s allegations must be dismissed because they are directly related to the merits of the judge’s decision or procedural rulings and are therefore not proper subjects of a judicial complaint. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(B). “An allegation that calls into question the correctness of a judge’s ruling, *including a failure to recuse*, without more, is merits-related.” J.C.U.S. Rule 3(h)(3)(A) (emphasis added). Moreover, the complainant’s allegations of judicial misconduct are “frivolous [and] lacking sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); see J.C.U.S. Rule 11(c)(1)(C), (D); E.C. Rule 4(c)(3).

The complaint is dismissed.

March 6, 2014

  
William Jay Riley, Chief Judge  
Eighth Circuit