

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-14-90006

In re Complaint of John Doe¹

This is a judicial complaint filed on March 17, 2014, by a pro se civil litigant against the United States district court judge who issued orders adverse to the complainant in two related district court proceedings. The judicial complaint consists of ten pages, exceeding the five-page limit, mostly quoting various rules and statutes with no indication as to what connection they may have to the district judge. Nevertheless, it is readily apparent the complainant disagrees with the district judge's orders dismissing the complainant's two related cases and wants relief. The complainant reports he has appealed the district judge's "finding" "with regard[] to the issues of a frivolous claim," and the complainant wants a "remand order of all final judgments that were rendered by the hand of" the district judge. The complainant has, in fact, appealed one of the district judge's dismissals to the United States Court of Appeals.

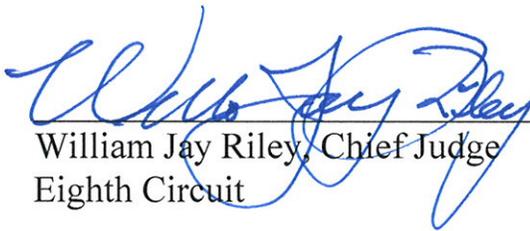
The complainant's allegations against the district judge must be dismissed because they directly relate to the merits of the judge's decisions and are therefore not proper subjects of a judicial complaint. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct and Judicial-Disability Proceedings of the Judicial 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, . . . without more, is merits-related." J.C.U.S. Rule

¹Under 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 judge complained about are to remain confidential, except in special circumstances not present here.

3(h)(3)(A). The appropriate procedure is for the complainant to appeal in a timely fashion the district judge's decisions to the court of appeals, as the complainant apparently is doing. The complainant's allegations of judicial misconduct, liberally construed, are otherwise vague, "frivolous[, and] lacking sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii); see also J.C.U.S. Rule 11(c)(1)(C), (D); E.C. Rule 4(c)(3).

The complaint is dismissed.

May 15, 2014



William Jay Riley, Chief Judge
Eighth Circuit