

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-14-90013

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

This is a judicial complaint effectively filed on May 20, 2014, by a civil litigant against the United States district judge who presided over the complainant's civil case and issued orders adverse to the complainant. The district judge granted a motion for summary judgment in favor of the defendants in the civil case, and the complainant appealed to the United States Court of Appeals for the Eighth Circuit, which remanded the case back to the district court for review of one issue. Upon remand, the district judge ordered the parties to submit additional evidence, and, after review of the new evidence, ordered the case dismissed. The complainant then filed this judicial complaint with the district court. The next day, the complainant filed a motion in the district court asking the district judge to reconsider his decision to dismiss the civil case. Three days later, the district judge denied the motion to reconsider and ordered that the judicial complaint be sealed and a copy sent to me.

In this judicial complaint, the complainant states the district judge "has engaged in conduct that is prejudicial to the effective and expeditious administration of the business of the courts, undermines public confidence in the integrity and impartiality of the judiciary, . . . creates a strong appearance of impropriety[, a]nd promotes violence as police are attending [one of the defendant's] Meetings." Specifically, the complainant contends the district judge "abused the bench in his

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

powers as district justice” when he granted summary judgment to defendants and dismissed the complainant’s case upon remand. The complainant argues that the district judge improperly dismissed his civil case “with no hearing, no evidence record, just statements, ‘Affidavits’” submitted by the parties.

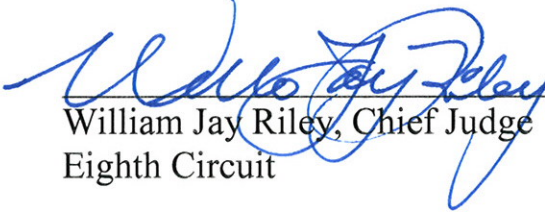
The complainant also alleges the district judge “in negligence or willful misconduct failed or refused to report unlawful acts, seemingly to promote organized crime.” The complainant complains the district judge “either could not discern the meaning of the higher court[’]s order . . . or has engaged in a conspiracy to enable organized crime.” The complainant requests a decision as to whether the district judge “is incompetent or an accessory to crime.” The complainant also requests a stay of proceedings in the civil case pending the resolution of this judicial complaint.

Most of 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. If the decision or ruling is alleged to be the result of an improper motive, . . . or improper conduct in rendering a decision or ruling, . . . the complaint is not cognizable to the extent that it attacks the merits.” J.C.U.S. Rule 3(h)(3)(A). These matters potentially could be issues for another direct appeal to the Eighth Circuit.

The complainant’s remaining allegations of judicial misconduct are “frivolous” and “lack[] 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). I do not have authority in the judicial complaint process to grant a stay of complainant’s pending civil case. See 28 U.S.C. § 352; J.C.U.S. Rule 11.

The complaint is dismissed.

June 17, 2014



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William Jay Riley, Chief Judge  
Eighth Circuit