

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-14-90019

In re Complaint of John Doe¹

This is a judicial complaint dated July 8, 2014, by a pro se civil litigant against the United States district court judge who is presiding over the complainant's civil case. The district judge is the third of three district judges (including also one magistrate judge) who have been assigned to the complainant's case during an eight-month span before the complaint was filed.

The complainant baldly alleges, providing no evidence whatsoever, that the third district judge "took a bribe" from one of the defendants in the civil case. The complainant imagines "perhaps three judges are involved," and "multiple defendants had multiple bribes to multiple judges." (Emphasis omitted). The only documentation provided by the complainant is a "motion to replace judge" the complainant filed in the district court. Therein, the complainant alleges the third district judge "accepted a bribe from [one of the defendants]," implying a *quid pro quo* deal in exchange for granting the defendant's motion to dismiss. The complainant frankly acknowledges, "This is an unproven allegation." In the motion, the complainant also alleges he did not receive two court documents in the mail. The district judge treated this "motion to replace judge" as a motion for recusal, which the district judge denied.

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.

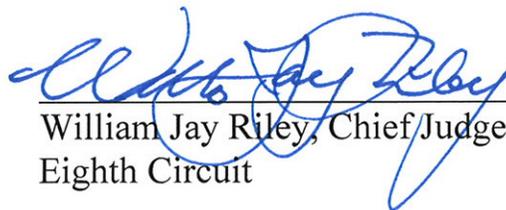
The complainant also objects to the district judge's grant of a motion to dismiss "too early" because the complainant "had not produced the documents that support [the complainant's] case."

The complainant's allegation that the district judge prematurely granted the motion to dismiss must itself be dismissed because it directly relates to the merits of the judge's decision and is therefore not a proper subject 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. If the decision or ruling is alleged to be the result of an improper motive, e.g., a bribe, . . . 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).

The complainant's remaining allegations of judicial misconduct regarding bribes 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).

The complaint is dismissed.

October 15, 2014



William Jay Riley, Chief Judge
Eighth Circuit