

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-15-90003

In re Complaint of Jane Doe¹

This is a judicial complaint filed on February 9, 2015, by a pro se civil litigant against the United States district court judge who presided over complainant's case. In a prior judicial complaint, complainant alleged the district judge was biased against complainant because the opposing counsel in complainant's lawsuit had graduated from the same law school as the district judge, where the district judge also currently teaches as an adjunct professor. See JCP No. 08-13-90002. In that earlier complaint, complainant asserted the district judge "has strong ties to" the university and "treated her friend, [opposing counsel], very kindly throughout th[e] litigation, even at the expense of Eighth Circuit Court and Supreme Court precedent." I dismissed that complaint as relating directly to the merits of complainant's case.

Complainant appears to raise, with more detail, these same issues again in the present judicial complaint and claims the district judge assisted various alumni of the law school to succeed in litigation or to obtain employment. Complainant's other claims are based on attenuated personal connections between the district judge and individuals involved in this and other lawsuits involving complainant. For example, complainant notes that the district judge is "great friends" with the wife of the "Neutral" who mediated complainant's lawsuit before the district judge. Complainant also alleges the district judge "utilized the prestige of her position to advance the

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.

interest of the State of Maryland, Specifically, [a Maryland state trial judge] and his counterparts of the ‘Maryland’s Mortgage Fraud Task Force’” by “utilizing [complainant’s] personal information . . . to frame [complainant] for fraud.” Finally, complainant indicates that the district judge and numerous other individuals “and their families are capitalizing off of Judicial Mortgage Fraud.”

To the extent complainant alleges misconduct by persons other than judges, such allegations are dismissed because they are beyond the scope of the Judicial Conduct Rules. See 28 U.S.C. § 351(a), (d)(1); Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 4; E.C. Rule 1(c).

Most of complainant’s contentions directly relate to the merits of complainant’s case and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); J.C.U.S. Rule 11(c)(1)(B); E.C. Rule 4(c)(2). “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).

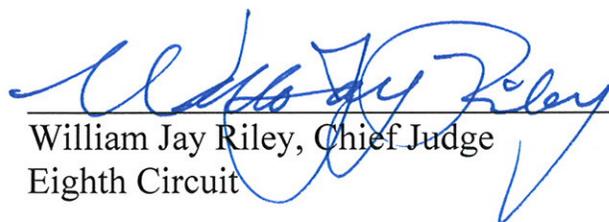
In any case, the complaint must be dismissed as “frivolous [and] lacking sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); see also J.C.U.S. Rule 11(c)(1)(C), (D); E.C. Rule 4(c)(3).

This being complainant’s fifth judicial complaint and one that repeats many allegations against this particular district judge, it appears the complainant is abusing the judicial complaint procedure. I therefore refer this complaint to the Eighth Circuit Review Panel to consider whether the complainant should be sanctioned. See E.C. Rule 1(f) (permitting the Review Panel, “after affording the complainant an opportunity to respond in writing,” to “requir[e] the complainant to obtain prior

permission of the chief judge of the circuit before filing another complaint” if the complainant “abuses the complaint procedure”); see also In re Petition of Doe, 70 F.3d 56, 60 & n.1 (8th Cir. Jud. Council 1995) (Hansen, J.) (providing impetus for E.C. Rule 1(f)).

The complaint is dismissed.

March 20, 2015



William Jay Riley, Chief Judge
Eighth Circuit