

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-15-90005

FILED

MAY 14 2015

**MICHAEL GANS
CLERK OF COURT**

In re Complaint of John Doe¹

This is a judicial complaint filed on March 5, 2015, by a pro se civil complainant against the United States district judge who presided over complainant's 42 U.S.C. § 1983 suit. Complainant alleges the district judge "breach[ed his] oath/Indenture contract" and "deprive[d complainant] of clearly established law protected rights" by failing to follow precedent establishing a "declarant who is bringing his own action need not comply with the letter of Rules/Procedure [sic]." Challenging the district court's grant of summary judgment, complainant also argues the district court "act[ed] clearly outside of any DUTY/FUNCTION of a Judge" by depriving complainant of a jury "to determine the merits and weight of the TESTIMONY EVIDENCE presented." Complainant further contends the district judge, in adopting the report and recommendation of the magistrate judge, "agreed to conspire with [the magistrate judge] to deprive [complainant] of the Due Process of appellate review of deprivation of [complainant's] due process rights protected and recognized by the Union Constitution."

Complainant's grievances questioning the validity of the district judge's summary judgment order and the contention that the district court incorrectly required complainant's pro se filings comply with the Federal Rules of Civil Procedure must be dismissed as they are "directly related to the merits" of the district judge's rulings.

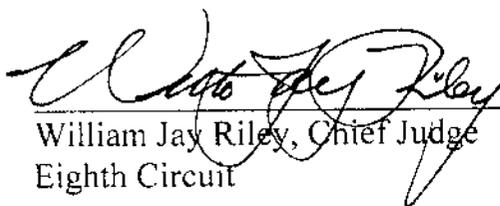
¹Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit (E.C.), the names of the complainant and the judge complained about are to remain confidential, except in special circumstances not present here.

28 U.S.C. § 352(b)(1)(A)(ii); see 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 3(h)(3)(A).

Complainant’s allegation that the district judge conspired with the magistrate judge to deprive complainant of his constitutional rights must also be dismissed. Because complainant has offered no evidence of a conspiracy, his claim is “frivolous” and “lack[s] 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 4, 2015



William Jay Riley, Chief Judge
Eighth Circuit