

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

---

JCP No. 08-15-90006

---

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

This is a judicial misconduct complaint filed on April 1, 2015 by a pro se civil litigant against a United States district court judge who has issued multiple orders adverse to complainant throughout the fourteen years since complainant first filed his civil complaint. Complainant contends the district judge “was . . . insubordinate . . . and demonstrated incompetence while working” on complainant’s case. Such incompetence, complainant alleges, caused complainant to “ke[ep] on filing additional, unnecessary paperwork” with the district court to resolve his case. Complainant also claims the district judge has continuously “put a mental strain on” complainant and “is probably engaging in cruel and unusual punishment against [complainant] at this time.” Complainant asserts the district judge’s “mental assault” on complainant should require the district judge “be held in contempt . . . and dismissed from” complainant’s case.

To the extent complainant challenges “the correctness of” the district judge’s multiple adverse orders, such claims are “merits-related.” Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 3(h)(3)(A). Allegations “directly related to the merits” of the district judge’s rulings are not the proper subject of a judicial complaint and must be dismissed. 28 U.S.C. § 352(b)(1)(A)(ii); see J.C.U.S. Rule 11(c)(1)(B); E.C.

---

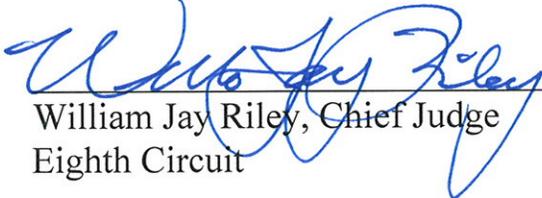
<sup>1</sup>Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit (E.C.), the names of the complainant and the judge complained about are to remain confidential, except in special circumstances not present here.

Rule 4(c)(2). The allegation that the district judge “caused many delays in the past and present” in complainant’s case must also be dismissed as merits-related. See J.C.U.S. Rule 3(h)(3)(B); id. commentary to Rule 3. Further, complainant’s request that the district judge “be . . . dismissed from the subject matter” must be denied because judicial complaints “may not be used to have a judge disqualified from sitting on a particular case.” E.C. Rule 1(e).

Complainant’s additional claims that the district judge caused complainant mental anguish and is engaging in “cruel and unusual punishment” against complainant must be dismissed as they are “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 27, 2015

  
\_\_\_\_\_  
William Jay Riley, Chief Judge  
Eighth Circuit