

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-15-90017

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

This is a judicial complaint filed on June 30, 2015, by a pro se civil litigant against the United States district judge who dismissed complainant's 42 U.S.C. § 1983 civil rights case. Complainant contends the district judge "misfiled [complainant's] case in a way [s]o that [the district judge] could easily dismiss it," and claims the district judge erred in not granting complainant a new trial on his decades-old state criminal conviction. Next, complainant details the facts surrounding his criminal conviction, highlighting the numerous errors complainant believes occurred in that case, and declares, "I need a new trial. The first trial was unfair."

The complaint's main allegation is that the district judge incorrectly disposed of complainant's case. "An allegation that calls into question the correctness of a judge's ruling . . . without more, is 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). The complaint must be dismissed because it is "directly related to the merits of" the judge's decision. 28 U.S.C. § 352(b)(1)(A)(ii); see also J.C.U.S. Rule 11(c)(1)(B); E.C. Rule 4(c)(2). Complainant may challenge the district judge's dismissal on direct appeal.

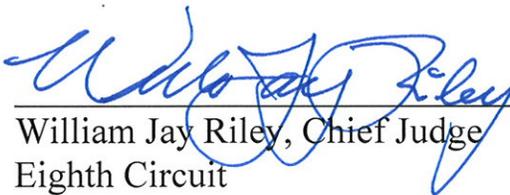
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<sup>1</sup>Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit (E.C.), the names of the complainant and the judge complained about are to remain confidential, except in special circumstances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

To the extent complainant asserts misconduct by the state actors involved in complainant's criminal convictions, these claims are also dismissed because the judicial complaint procedure is limited to United States judges. See 28 U.S.C. § 351(a), (d)(1).

The complaint is dismissed.

July 23, 2015



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William Jay Riley, Chief Judge  
Eighth Circuit