

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-15-90018

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

This is a judicial complaint filed on July 13, 2015, by a pro se civil plaintiff against the United States district court judge who dismissed complainant's case. In an earlier judicial complaint, complainant alleged this same judge was biased and prejudiced against complainant and "mishandled" her case. See JCP No. 08-14-90025 at 1-2. I dismissed that complaint because most of complainant's allegations were "directly relate[d] to the merits of the judge's decisions," 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); E.C. Rule 4(c)(2), and the remaining allegations were "'frivolous' and 'lack[ed] sufficient evidence to raise an inference that misconduct ha[d] occurred,'" JCP No. 08-14-90025 at 2 (quoting 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).

In her instant judicial complaint, complainant again alleges the district judge engaged in misconduct, stating, "my injuries/harms have been smothered out, and stomped-on/trampled-on by [the district judge]." Complainant expands, "[the district judge] joined in on the Defendants' assault against me, assassinated my character, and advocated for the Defendants, not to mention it seems that [the district judge] contacted IRS to TARGET my adult son, who is not a party to any litigation!"

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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.

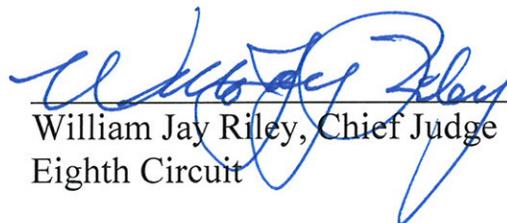
Again complainant fails to allege cognizable misconduct. Most of complainant's allegations must be dismissed because they are "directly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii); see also J.C.U.S. Rule 11(c)(1)(B); E.C. Rule 4(c)(2). Although complainant's assertion that the district judge colluded with and advocated for the defendants is not necessarily merits-related, such allegations must be dismissed as merits-related when, as in this case, the only support for the allegations is the merits of the judge's rulings. See J.C.U.S. Rule 3(h)(3)(A).

Complainant's claims that the district judge "assassinated [her] character" and "contacted IRS to TARGET [complainant's] adult son" also are dismissed because 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).

In support of her judicial complaint, complainant attached a letter from a United States Senator—purportedly responding to a letter written by "an advocate" for complainant's case. In this letter, the Senator explains the judicial complaint process to redress grievances about a district judge. Complainant has twice done so, and after two thorough reviews of complainant's judicial complaints and her underlying case, I conclude complainant has not alleged the district judge engaged in misconduct. Complainant is cautioned that filing "repetitive, harassing, or frivolous complaints," or any other abuse of the complaint procedure, may result in the imposition of conditions limiting "complainant's use of the complaint procedure." See J.C.U.S. Rule 10(a).

The complaint is dismissed.

August 11, 2015



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William Jay Riley, Chief Judge  
Eighth Circuit