

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-15-90019

In re Complaint of John Doe¹

This is a judicial complaint filed on July 20, 2015, by a pro se civil litigant against the United States district judge who dismissed complainant's consumer-credit case. On June 22, 2015, complainant appealed the dismissal to the Eighth Circuit Court of Appeals. That appeal remains pending at the time of this order.

Complainant provides an excerpt of a portion of the district judge's order summarizing complainant's claim and purporting to quote from complainant's divorce decree. Complainant contends "[t]he quoted statements are taken from two diametrically opposed clauses and combined to portray a conclusion opposing the actual decree." Complainant suggests, "The evidence is tampered with to create a new false document providing a compelling reason, when true, to dismiss the case." According to complainant, the district judge "invents the statement from whole cloth," not "as a simple mistake, but an active denial of justice." Complainant asks that "[t]hose involved in preparing the Order should be considered for dismissal."

Complainant's allegations must be dismissed because they are "directly related to the merits of a decision or procedural ruling" and are therefore not proper subjects of a judicial complaint. 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

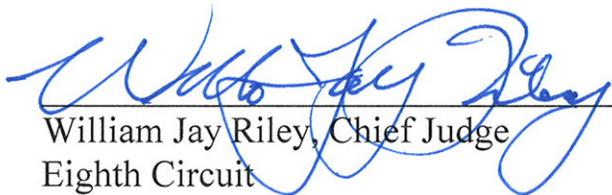
¹Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit (E.C.), the names of the complainant and the judge complained about are to remain confidential, except in special circumstances not present here.

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). Although allegations of improper motive or conduct are 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 id.

To the extent complainant’s request that “[t]hose involved in preparing the Order” be punished alleges misconduct by other officials working for the federal courts, the allegations are dismissed because they are beyond the scope of the Judicial-Conduct Rules, which only apply to United States judges. See 28 U.S.C. § 351(a), (d)(1); J.C.U.S. Rule 4; E.C. Rule 1(c).

The complaint is dismissed.

September 11, 2015



William Jay Riley, Chief Judge
Eighth Circuit