

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-15-90021

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

This is a judicial complaint filed on July 24, 2015, by a civil litigant and her spouse against the United States district judge who presided over two separate suits in which complainant was a plaintiff: (1) a wrongful-death case involving a large settlement, and (2) a subsequent racketeering suit challenging the distribution of the settlement reached in the first case. Complainant, who was represented by counsel in the first case but proceeded pro se in the second, alleges her attorney “repeatedly ingored” [sic] her calls, failed to notify her of settlement hearings, lied to the court about her agreement to settle and her availability to participate, and settled her case without her knowledge.

In her racketeering case, complainant alleged “[t]he defendants [in the first case] never paid [complainant] her full amount the court ORDERED.” It appears from the documents complainant submitted with her complaint that her wrongful-death award was placed in a structured settlement annuity. Complainant maintained she “never entered into Legal Contract in regards to a[n] Annuity Contract. Therefor, [complainant] [wa]s entitled to all of her Awar[d]ed funds.” On May 15, 2014, the district judge dismissed the racketeering case without prejudice for failure to provide proof of service. Neither case was appealed.

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

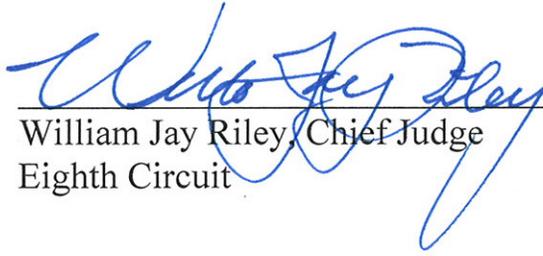
Focusing on the district judge's actions in the wrongful-death case, complainant faults the district judge for believing her attorney's lies and failing to obtain "legal proof" complainant agreed with the settlement. In complainant's view, "Because of the Judge[']s failure to due [sic] her Duty and Violation of Due Process [complainant] has been fighting for her Proceeds every [sic] since, and has never recieved [sic] no where near a fair settlement." Complainant also claims the district judge was a defendant in a "related case" filed by complainant and suggests the district judge's rulings in complainant's racketeering case and wrongful-death case "display[ed] Bais [sic]."

Complainant's allegations do not sufficiently allege an actionable instance of judicial misconduct and 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 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). Although allegations of judicial bias or other 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. Complainant's allegations also "lack[] sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii); J.C.U.S. Rule 11(c)(1)(D).

To the extent complainant complains of unethical or improper conduct by her attorney or the defendants in the underlying litigation, such allegations are beyond the scope of the judicial-conduct review process, which is limited to the conduct of federal judges, see 28 U.S.C. § 351(a), (d); J.C.U.S. Rule 4; E.C. Rule 1(c).

The complaint is dismissed.

September 28, 2015



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William Jay Riley, Chief Judge  
Eighth Circuit