

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-15-90024/08-15-90029

In re Complaints of John Doe¹

These judicial misconduct complaints, filed August 7, 2015, are the third and fourth complaints filed by a pro se civil litigant against, respectively, the United States district judge presiding over complainant's 42 U.S.C. § 1983 civil-rights case and the chief judge of the United States district court in which complainant's case is pending. In his first complaint (JCP No. 08-14-90019), complainant alleged the district judge had improperly granted a motion to dismiss "too early" and had taken a bribe from one of the defendants. I dismissed the first allegation as merits related and found complainant's bare allegations of a bribe were frivolous and without any evidentiary support.

In his second complaint (JCP No. 08-15-90013), complainant alleged the chief judge improperly reassigned his case after the original judge recused himself. I again dismissed the complaint as frivolous and lacking sufficient evidentiary support. Complainant initially petitioned for review of that dismissal, but subsequently withdrew his petition.

In his third complaint, complainant concedes he "assumed INCORRECTLY that the[] unexcusable actions [in his case] was [sic] due to BRIBERY," but now speculates such "unexcusable actions" were due "to simple DERELICTION FROM

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.

DUTY.” As complainant now sees it, the district judge “displayed JUDICIAL INCOMPETENCE by his rulings and decisions for one reason — to retire as planned.” Complainant asks the “8th Circuit Court of Appeals” “to investigate the RULINGS and DECISIONS of the ‘SOON-TO-RETIRE’” district judge.

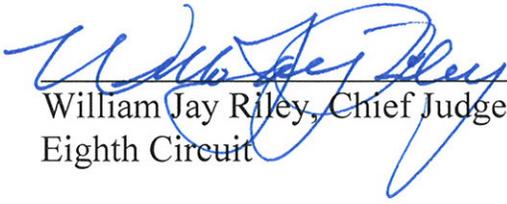
Complainant’s fourth complaint consists of the same complaint allegations with his request that the “8th Circuit Court of Appeals” “investigate the OVERSIGHT FUNCTION of the CHIEF [DISTRICT] JUDGE . . . under whose ‘watch’ this miscarriage of JUSTICE occurred.”

Complainant’s bare allegations of misconduct and requests for investigation must be dismissed because they unequivocally “directly relate[] 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).

Complainant’s allegations are also “frivolous [and] lacking sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); see J.C.U.S. Rules 11(c)(1)(C), (D). The complainant is cautioned to refrain from filing repetitive, harassing, frivolous, unfounded or scurrilous complaints, or engaging in any other abuse of the complaint procedure, lest he risk the imposition of conditions limiting “complainant’s use of the complaint procedure.” J.C.U.S. Rule 10(a); see also E.C. Rule 1(f).

The complaint is dismissed.

September 28, 2015



William Jay Riley, Chief Judge
Eighth Circuit