

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-15-90038

In re Complaint of John Doe¹

This is a judicial complaint filed on September 9, 2015, by a non-party private citizen² against the United States district judge who presided over a civil rights case in which the plaintiff was known by complainant. I have twice considered and dismissed similar judicial complaints filed by that plaintiff against the same district judge, because the allegations were (1) related to the merits of the district judge's dismissal of the plaintiff's claims, (2) frivolous, and (3) lacked sufficient evidence to raise an inference of misconduct. See JCP Nos. 08-14-90025/08-15-90018. In dismissing the second complaint, I also cautioned the plaintiff that abuse of the judicial complaint procedure could result in limitations on the plaintiff's future use of the procedure. See Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 10(a).

As set forth in greater detail in JCP No. 08-14-90025, the district judge dismissed, pursuant to Federal Rule of Civil Procedure 12(b) and (c), the plaintiff's

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

²*“Any person alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts . . . may file with the clerk of the court of appeals for the circuit a written complaint containing a brief statement of the facts constituting such conduct.”* 28 U.S.C. § 351(a) (emphasis added).

various civil rights claims against multiple defendants. On appeal, the Eighth Circuit Court of Appeals, over a dissent, reversed only the dismissal of the plaintiff's Fourth Amendment claim and affirmed the dismissal of all of the plaintiff's other claims. On remand, the district judge dismissed the plaintiff's Fourth Amendment claim because the plaintiff failed to comply with the district judge's discovery orders and the federal rules. The plaintiff again appealed, and the Eighth Circuit affirmed the district judge's dismissal.

In this complaint, complainant cites to the plaintiff's civil rights case and JCP No. 08-15-90018 and asserts, "The Federal Government operates under a set of systems and rules, and what is going on here is not it." Complainant questions, "How did this woman [the plaintiff] WIN her Appeal in a (Federal Government system) on 4th Amendment Rights violations . . . then LOSE her case in a lower court . . . ?". Complainant alleges the district judge "honed in on her target," the plaintiff, and "reverse[d] the superior court." Asking, "Why do those in control of government systems think citizens are stupid, and can't read what is really going on?," complainant alleges, "Something is rank, and 'Stinking In Denmark', and that stink needs to be cleaned up, and the woman restored." Complainant urges, "Take the blinders off. The Federal Government system can do something about this woman's case. Give her the Justice she WON under a (Federal Government system)."

Complainant also describes news reports of the district judge's involvement in multiple capital punishment cases. According to complainant, "Now that [the district judge] has had a taste of blood by 'putting black people to death', she believes she is invincible, and that she is a Demi-God, she is not, she is still only human and accountable for her decisions and actions."

Complainant's challenge to the dismissal of the plaintiff's civil rights case must be dismissed because it is "directly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii); see 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. If the decision or ruling is alleged to be the result of an improper motive, . . . or improper conduct in rendering a decision or ruling, . . . the complaint is not cognizable to the extent that it attacks the merits.” J.C.U.S. Rule 3(h)(3)(A).

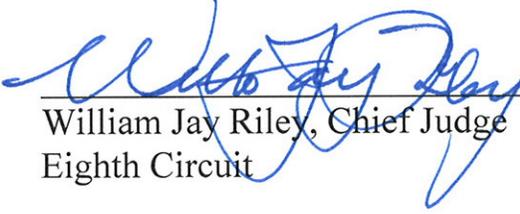
Complainant clearly disagrees with the district judge’s substantive decisions, but a judicial complaint is not the proper procedure to challenge the merits of those decisions. I will clarify the procedural development of the plaintiff’s case without addressing the merits. The district judge did not “reverse the superior court” as complainant believes. Rather, on remand from the Court of Appeals for further proceedings on the plaintiff’s Fourth Amendment claim, the district judge, after several warnings, dismissed the plaintiff’s case under Federal Rule of Civil Procedure 37 as a sanction for the plaintiff willfully disobeying court orders and the federal rules and refusing to participate properly in the case.

As was her right, the plaintiff appealed this dismissal to the Court of Appeals—the same court that granted the plaintiff partial relief in her first appeal. In the second appeal, however, the Court of Appeals did not find in the plaintiff’s favor. The appellate court affirmed the district judge’s dismissal, concluding the district judge did not abuse her discretion in dismissing the plaintiff’s case as a sanction for plaintiff’s improper conduct. That the plaintiff ultimately did not succeed on her claims in the district court and on appeal does not demonstrate judicial misconduct or corruption of the federal judicial system.

Complainant’s remaining allegations are “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. Rule 11(c)(1)(C), (D).

The complaint is dismissed.

October 8, 2015



William Jay Riley, Chief Judge
Eighth Circuit