

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP Nos. 08-15-90047/08-15-90049

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In re Complaints of John Doe<sup>1</sup>

These are consolidated judicial complaints filed on October 23 and November 5, 2015, by a pro se civil litigant against the district court judge who presided over his case. They are styled “Criminal Complaints.” Some of the complainant’s substantive allegations are difficult to discern, but I have identified the following allegations: the judge committed fraud on the court, withheld or concealed evidence, and violated the complainant’s rights to due process and equal protection by failing to list the complainant’s motion for a hearing in a scheduling order, an order granting and denying various outstanding motions, and the final judgment; the judge’s failure to address the complainant’s motion and resulting orders constituted fraud and an attempt to enforce a judgment with fictitious evidence; the judge violated the Federal Rules of Civil Procedure and the complainant’s constitutional rights by addressing several motions in a single hearing, which resulted in the judge failing to consider some of the complainant’s motions and issuing orders that were not supported by the evidence; the judge improperly refused to let the complainant amend his complaint a third time; the judge deliberately turned a blind eye to falsified affidavits submitted by opposing counsel, thereby aiding and abetting the subornation of perjury; the judge suppressed evidence by improperly quashing a subpoena the complainant sent to opposing counsel; and the judge committed misprision of felony by concealing

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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.

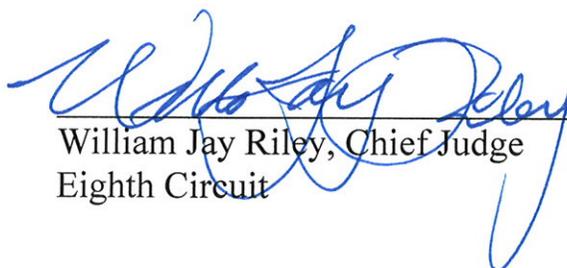
either opposing counsel's motion to quash the complainant's subpoena or another, unspecified felony.

The complaints must be dismissed. Most of the complainant's allegations are "directly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii); accord Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(B). The proper way to argue a judge made a mistake or should have ruled differently in a pending case is by raising the issue to the judge or filing an appeal, not a judicial complaint. See E.C. Rule 1(e). The complainant's other allegations are "frivolous" or "lack[] sufficient evidence to raise an inference that misconduct has occurred," which also call for dismissal. 28 U.S.C. § 352(b)(1)(A)(iii); accord J.C.U.S. Rule 11(c)(1)(C), (D).

Finally, construing the complainant's unexplained citations to 28 U.S.C. §§ 144 and 455—which govern judicial bias or prejudice and the disqualification of judges, respectively—as suggesting the judge should have recused himself, I note "[t]he [judicial] complaint procedures may not be used to have a judge disqualified from sitting on a particular case . . . ." E.C. Rule 1(e); cf. J.C.U.S. Rule 3(h)(3)(A).

The complaints are dismissed.

December 8, 2015

  
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William Jay Riley, Chief Judge  
Eighth Circuit