

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-15-90065

In re Complaint of John Doe¹

This is a judicial complaint filed on December 9, 2015, against the magistrate judge assigned to the complainant's civil lawsuit. The complaint is based on a letter the complainant claims to have received from the magistrate judge in 2004, in connection with a different case. According to the complainant, the magistrate judge "urg[ed] [him] to, more or less, 'Stop Screwing With This!', and then . . . went on to say, 'You want a ruling? You'll get a ruling. And you won't like it.'" The complainant says he lost his copy of the letter, but insists he "know[s] [he] didn't imagine it, and it wasn't a dream." Complainant promises he "would have brought it to the Court's attention long ago, had [he] known it was so vital for Justice."

The complainant asserts the letter demonstrates the magistrate judge determined to rule against him in any cases in which he is involved. The complainant suspects the magistrate judge is prejudiced against him because the magistrate judge dislikes marijuana, which the complainant, a Rastafarian, considers a religious "sacrament." The complainant claims the magistrate judge has ruled against him twice before and predicts the magistrate judge is "about to dismiss [the complainant's] case for a third and final time." The complainant concludes his legal arguments are sound and denying his case will unconstitutionally violate his religious freedom "many times over!"

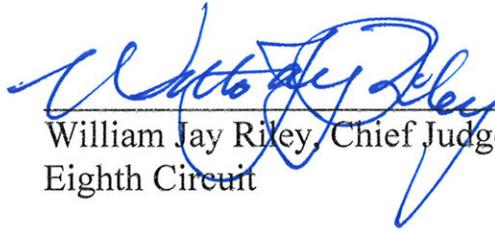
¹Under Rule 4(f)(1) of the Eighth Circuit Rules Governing Complaints of Judicial Misconduct and Disability (E.C.), the names of the complainant and the judge complained about are to remain confidential, except in special circumstances not present here.

The main thrust of the complaint is that the magistrate judge “should have never ruled on any of [the complainant’s] cases” after allegedly sending the letter. The complainant wants the magistrate judge to recuse himself or for him to be removed from the complainant’s case. That desire is misplaced in a judicial complaint, because it is “directly related to the merits of a decision or procedural ruling”—namely, the magistrate judge’s denial of the complainant’s recusal request. 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.) Rules 3(h)(3)(A), 11(c)(1)(B). The judicial-complaint process is not a vehicle for the complainant to obtain reconsideration or review of the magistrate judge’s decision to stay on the case. See E.C. Rule 1(e).

Because the complainant also suggests the magistrate judge had an improper motive for ruling against him, I add that I have found no record of any letter matching the complainant’s description. The only recorded communication from the magistrate judge to the complainant at the relevant time in 2004 is an order denying the complainant’s motion to proceed in forma pauperis and informing him that if he did not timely pay the filing fee the magistrate judge would recommend dismissing his case without prejudice. Absent any evidence of an improper motive, the only support for the complainant’s theory is the magistrate judge’s rulings themselves, meaning this allegation too must be dismissed as merits-related and not subject to review in a judicial-complaint proceeding. See 28 U.S.C. § 352(b)(1)(A)(ii); J.C.U.S. Rules 3(h)(3)(A), 11(c)(1)(B); see also 28 U.S.C. § 352(b)(1)(A)(iii) (calling for dismissal of complaints “lacking sufficient evidence to raise an inference that misconduct has occurred”); J.C.U.S. Rule 11(c)(1)(D).

The complaint is dismissed.

February 23, 2016



William Jay Riley, Chief Judge
Eighth Circuit