

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-15-90066

In re Complaint of John Doe¹

This is the third judicial complaint the complainant has filed against the district judge who presided over and ultimately dismissed his civil case. I dismissed his first complaint, JCP 08-11-90056, which arose out of the district judge's dismissal of an earlier lawsuit, primarily because it was directly related to the merits of the district judge's rulings. The second complaint, JCP 08-15-90046, followed the complainant's new lawsuit being assigned to the same district judge and the district judge's refusal to recuse himself, despite the complainant's repeated demands that he do so. I dismissed that complaint because the complainant's allegations, including those he raised in supplemental filings, were directly related to the merits of the district judge's rulings, were frivolous or lacking evidentiary support, or were outside the scope of a judicial-conduct proceeding.

In this complaint, filed on December 11, 2015, the complainant again attacks the district judge's decision not to recuse himself. The complainant insists, "Evidence clearly shows . . . The intentional fraud and Conspiracy That [the district judge] had done" and the district judge "[n]ever should have been on [the complainant's] Case."

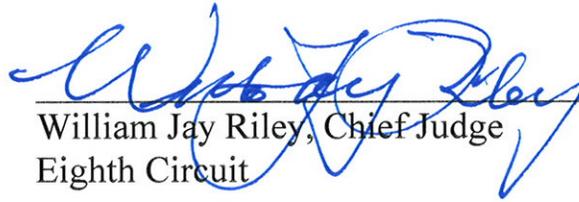
¹Under Rule 4(f)(1) of the Eighth Circuit Rules Governing Complaints of Judicial Misconduct and Disability (E.C.), the names of the complainant and the judge complained about are to remain confidential, except in special circumstances not present here.

On February 1, 2016, shortly after the district judge entered judgment dismissing the complainant's case, the complainant supplemented his complaint with a copy of a document he filed in district court arguing against dismissal and informing the district court he had brought his case to the attention of the United States Supreme Court. On a cover sheet, the complainant declared "Fraud on the Court has NO Legal validity" and "Demand[ed] [his case] be reinstated To Stand Jury Trial . . . and . . . every Complaint filed against [the district judge] be included."

This complaint must be dismissed, as were the last two. As I explained in my previous order, complaints about a failure to recuse are merits related and "[t]he [judicial-]complaint procedures may not be used to have a judge disqualified from sitting on a particular case." 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); E.C. Rule 1(e). The complainant's other challenges to the dismissal of his case are likewise "directly related to the merits of [the district judge's] decision[s] [and] procedural ruling[s]," and so cannot be raised in a judicial complaint. 28 U.S.C. § 352(b)(1)(A)(ii); accord J.C.U.S. Rule 11(c)(1)(B). And the complainant's bare accusations of fraud remain "frivolous" and "lacking sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii); accord J.C.U.S. Rule 11(c)(1)(C), (D).

The complaint is dismissed. The complainant also is warned that abuse of the judicial-complaint process, such as repeatedly filing merits-related or otherwise frivolous complaints, can be grounds for sanctions, including restrictions on his ability to file such complaints. See E.C. Rule 1(f).

February 19, 2016



William Jay Riley, Chief Judge
Eighth Circuit