

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-15-90068

In re Complaint of John Doe¹

This is a judicial complaint filed on December 14, 2015, by a pro se civil litigant against the United States district court judge assigned to the complainant's five civil cases. The complainant previously filed another complaint against the same judge. According to the complainant, the district judge "has been impermissibly biased against [complainant], with respect to rulings made in [complainant's] civil cases pending before" the district judge. The complainant states the district judge "refused to screen the first complaint that [complainant] filed" "us[ing] a dilatory tactic" and "attempted to humiliate [complainant] even further by trying to force [complainant] to file an Amended Complaint." The complainant also alleges, without further explanation, that the district judge "had impermissible contacts with defendants" in one of his cases. The complainant further declares the district judge "refused to recognize [complainant's] Due Process, 14th Amendment Equal Protection, Free Exercise of Religion, and Establishment Clause claims." In the complainant's view, "looking at all of the cases [the district judge] has ruled on, filed by [complainant], and reading . . . [the district judge's] 'Discussions' of each case, . . . you can see obvious partiality and bias against" the complainant.

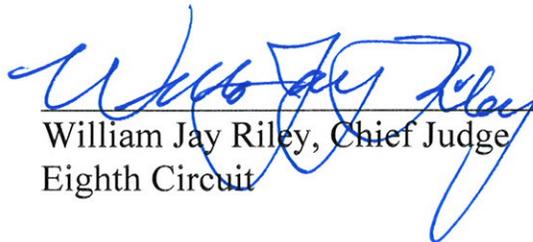
Because the complainant's allegations of bias are supported only by the district judge's rulings themselves, the complainant's allegations are not cognizable in a

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.

judicial complaint. See 28 U.S.C. § 352(b)(1)(A)(ii) (providing for dismissal of complaints “directly related to the merits of [the judge’s] decision[s] or procedural ruling[s]”); Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Council of the United States (J.C.U.S.) Rules 3(h)(3)(A), 11(c)(1)(B). The complainant’s assertions that the district judge’s rulings show the district judge was “impermissibly biased” and “attempted to humiliate” the complainant and complainant’s contention about the district judge’s alleged improper contact with other parties also “lack[] sufficient evidence to raise an inference that misconduct has occurred,” and are “frivolous.” 28 U.S.C. § 352(b)(1)(A)(iii); accord J.C.U.S. Rule 11(c)(1)(C), (D).

The complaint is dismissed.

March 8, 2016



William Jay Riley, Chief Judge
Eighth Circuit