

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-16-90001

In re Complaint of Jane Doe¹

This is a judicial complaint filed on December 28, 2015, by a civil litigant against the magistrate judge assigned to her case. Based on the magistrate judge's conduct during a hearing held by conference call, the complainant alleges she was "intimidated and taunted" into signing a stipulation to dismiss her claims with prejudice. She says she was "MISTREATED BEYOND MEASURE, made afraid cause of remarks made to self and with all the denials [she] was subjected too with the MOTIONS and or all requests submitted [sic]." And she accuses the magistrate judge of "reapproach[ing] [sic] [her] scornfully or and too sarcastically," "treat[ing] [sic] or demonstrat[ing] egregious and hostile behavior," and "willfully displaying disregard for [the complainant]." The complainant seeks "reprimand, discipline, censure, suspension, removal or retirement" of the magistrate judge.

The audio recording of the hearing conclusively refutes the complainant's characterization of the magistrate judge's conduct. See 28 U.S.C. § 352(b)(1)(B). I have listened to the exchange between the complainant and the magistrate judge and find the magistrate judge maintained a professional and courteous tone throughout, attempted to explain the relevant legal rules and requirements, and sought to work with the complainant to address her concerns and difficulties. The complainant's unsupported allegations of intimidation, taunting, scorn, sarcasm, hostility, and

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

disregard are “frivolous” and “lacking sufficient evidence to raise an inference that misconduct has occurred.” Id. § 352(b)(1)(A)(iii); accord Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(C), (D).

Because the complainant also registers her disagreement with how the magistrate judge answered legal questions in the complainant’s case—including the complainant’s entitlement to court-appointed counsel—I add that such issues “directly related to the merits of a decision or procedural ruling” are not properly raised in a judicial complaint. 28 U.S.C. § 352(b)(1)(A)(ii); J.C.U.S. Rule 11(c)(1)(B).

The complaint is dismissed.

February 19, 2016



William Jay Riley, Chief Judge
Eighth Circuit