

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-16-90005

In re Complaint of John and Jane Doe¹

This is a judicial complaint filed on January 14, 2016, against a bankruptcy judge. The complainants accuse the bankruptcy judge of telling an attorney for a bank “how to file a four closer [sic] against [them].” They assert “[t]here was no motion for a hearing on this matter, just specifics that if we don’t do this [sic] will happen within 3 days with no notice,” and “by the time [the complainants] received the order the 3 days had already past [sic].” The complaint appears to arise out of the bank’s sale of the complainants’ mortgage loan to a new creditor. The complainants insist they “had enough money to by [sic] [their] note from the mortgage company.” Without further explanation, the complainants also cite as “[e]xamples of judicial misconduct” “[u]sing the judge’s office to obtain special treatment for friends or relatives” and “[d]iscriminating against litigants on account of race, ethnicity or other legally protected attribute [sic].” And they supplement their complaint with portions of their pleadings in a lawsuit they filed against the bankruptcy judge, the bank, and others, as well as summaries of federal civil-rights statutes taken from the FBI’s website.

The complainants’ bare allegation of improper contact must be dismissed, because it “lack[s] sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); accord Judicial-Conduct and Judicial-

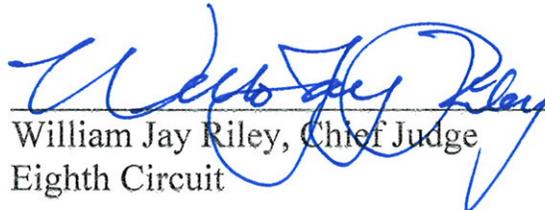
¹Under Rule 4(f)(1) of the Eighth Circuit Rules Governing Complaints of Judicial Misconduct and Disability (E.C.), the names of the complainants and the judge complained about are to remain confidential, except in special circumstances not present here.

Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(D). If the listed “[e]xamples of judicial misconduct” are meant to be additional allegations that the bankruptcy judge has acted with improper motives in the complainants’ case, they are similarly unsupported and also subject to dismissal. See 28 U.S.C. § 352(b)(1)(A)(iii) (calling for dismissal of “frivolous” complaints); J.C.U.S. Rule 11(c)(1)(C).

In light of the complainants’ references to their pending lawsuit, their objection to the plan proposed by their former attorney, and unspecified “OTHER PROBLEMS WITH THIS CASE,” I add that the judicial-complaint process is limited to United States judges and does not apply to lawyers or other parties that are involved with bankruptcies or the federal courts. See 28 U.S.C. § 351(a), (d)(1); J.C.U.S. Rule 4; E.C. Rule 1(c).

The complaint is dismissed.

February 23, 2016



William Jay Riley, Chief Judge
Eighth Circuit