

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-16-90010

In re Complaint of John Doe¹

This is a judicial complaint dated January 25, 2016, filed by a state prisoner against the federal district judge who dismissed the complainant's civil-rights lawsuit without prejudice. The complainant thinks the dismissal was mistaken, but claims to be "unable to beg or borrow another filing Fee" to appeal it. According to the complainant, this situation "result[ed] in denial of meaningful access to the courts" and "'Conduct prejudicial to the effective and expeditious administration of the business of the Courts.'" (Quoting 28 U.S.C. § 351(a)) The complainant asks for orders effectively overruling the dismissal of his case and allowing him to begin discovery immediately, for a different judge to be assigned to his case, and for the district judge to "be investigated and disciplined accordingly."

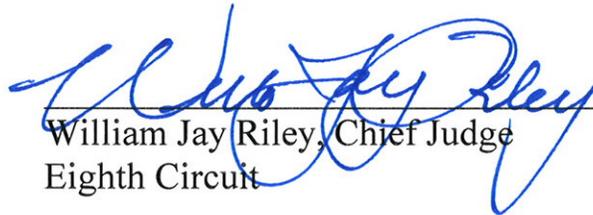
The complainant's challenge is not properly raised in a judicial complaint, because it is "directly related to the merits of [the district judge's] decision" to dismiss the complainant's case. 28 U.S.C. § 352(b)(1)(A)(ii); accord Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(B). The complainant's conclusory assertion that the district judge "treat[ed] [him] in a demonstrably egregious and hostile manner" is also subject to dismissal as "frivolous" and "lacking sufficient evidence to raise an

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.

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.

February 26, 2016



William Jay Riley, Chief Judge
Eighth Circuit