

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP Nos. 08-16-90003/08-16-90014

In re Complaints of John Doe¹

These are judicial complaints filed on January 8 and February 8, 2016, against the district judges who dismissed the complainant's lawsuit under 42 U.S.C. § 1983 and denied his application for a writ of habeas corpus under 28 U.S.C. § 2254, respectively. After carefully examining the two complaints, as well as the supplemental material submitted by the complainant, I am unable to discern the reason the complainant asserts either district judge committed misconduct or is disabled. The complaints consist primarily of disjointed and conclusory assertions of law relating to irrelevant topics, including the retroactivity of a parole law and guidelines for calculating child support, unconstitutional searches and seizures, the effectiveness of a deed, the prohibition of ex post facto laws, the requirements of due process, property law, and taxing attorney fees as costs. The complainant also recites general propositions about the writ of habeas corpus and the theoretical framework for federal habeas relief for state prisoners. And he attaches copies of documents related to proceedings in state court.

Absent allegations that either district judge "has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts" or "is unable to discharge all the duties of office by reason of mental or physical disability," the complaints must be dismissed. 28 U.S.C. § 351(a); see also id. § 352(b)(1)(A)(i);

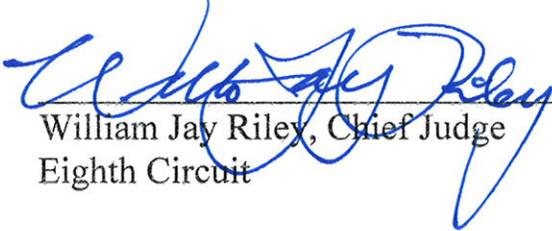
¹Under Rule 4(f)(1) of the Eighth Circuit Rules Governing Complaints of Judicial Misconduct and Disability (E.C.), the names of the complainant and the judges complained about are to remain confidential, except in special circumstances not present here.

Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(A), (G). To the extent the complaints reflect the complainant's disagreement with the district judges' decisions, they must also be dismissed as "directly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii); accord J.C.U.S. Rule 11(c)(1)(B); see also 28 U.S.C. § 352(b)(1)(A)(iii) (calling for dismissal of complaints "lacking sufficient evidence to raise an inference that misconduct has occurred"); J.C.U.S. Rule 11(c)(1)(D).

The complainant has previously filed multiple judicial complaints, which I have characterized as "incomprehensible" and which have left me similarly "unable to determine with any confidence" the alleged misconduct or disability. I now warn the complainant that repeatedly filing frivolous complaints or otherwise abusing the judicial-complaint process can be grounds for sanctions, including restrictions on his ability to file additional complaints. See E.C. Rule 1(f).

The complaints are dismissed.

February 24, 2016



William Jay Riley, Chief Judge
Eighth Circuit