

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP Nos. 08-16-90030/08-16-90031/08-16-90032

In re Complaints of John Doe¹

This is a judicial complaint filed on April 4, 2016 by a federal pretrial detainee against three circuit court judges who handled the complainant's appeal of his prisoner civil rights case. The complainant was detained after he was charged with multiple criminal offenses, found incompetent to stand trial, and was civilly committed. In the complaint, the complainant refers to the issues involved in his civil rights case, in which he challenged the requirement that he complete work duties.

The complainant believes he is falsely imprisoned due to "Obeah," which the complainant describes as a "Spiritualism Crime."² According to the complainant, "[i]ts [sic] a misdemeanor to pretend to do [sic] and a felony when crossed into the U.S. Constitution Supremacy Laws such as being deprived of Life, Liberty and Property and goes all the way to a death penalty sentence in the area of ESPIONAGE , TREASON and SECRETIVE murder." The complainant continues,

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.

²"Obeah" refers to African-based religious and spiritual practices that were brought to the Caribbean through the slave trade. See, e.g., Danielle Boaz, *Introducing Religious Reparations: Repairing the Perceptions of African Religions Through Expansions in Education*, 26 *J.L. & Religion* 213, 213-20, 224-28 (2010-2011). Obeah may also be referred to as "voodoo," "witchcraft," or "sorcery." Historically, it was outlawed in many Caribbean nations, and it remains restricted in some places. See id. at 224-28.

“[i]t is in this area of disadvantage [sic] ESPIONAGE PRACTICES is [sic] being supported to torture [the complainant] at [the facility at which the complainant is detained] on behalf of the illegals [sic] in [the] court room.” The complainant believes the circuit court judges are “acting on behalf of this spiritualism Crime and not according to respected Law.”

The complainant also complains that his petitions for rehearing and rehearing en banc were denied. The complainant requests, “the other active judges in [the] court has [sic] been given a chance to decide whether the 3 judge panel abused the discretionary function of [the] court in going against its prior holding and quote for [sic] *Martinez v. Turner*,³ when [the complainant] actual [sic] demonstrated that [the complainant] was put to work after signing a refusal form.” The complainant also “make[s] . . . [an] official request by given [sic] to [the complainant] the process [sic] of 28 USC 1691 confirming received [sic] officially [sic] for future action to [sic] this case problem.”⁴

The complainant also describes his communications with his Congresswoman and her legislative director arising from his request for assistance with his legal matters. The complainant further declares he cannot seek relief from the United States Supreme Court because one of the Supreme Court justices is “a large part of [the complainant’s] problem” and the Supreme Court has an “old time spirit Judge living amongs [sic] them.”

The complainant’s challenges to the circuit judges’ rulings themselves, such

³In *Martinez v. Turner*, 977 F.2d 421, 423 (8th Cir. 1992), the Eighth Circuit reversed the district court’s order dismissing a pretrial detainee’s “claim that he was denied due process when placed in administrative segregation for refusing to work.”

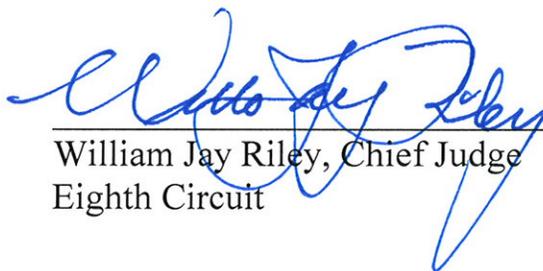
⁴28 U.S.C. § 1691 provides, “All writs and process issuing from a court of the United States shall be under the seal of the court and signed by the clerk thereof.”

as the decision to deny rehearing, must be dismissed because challenges “directly related to the merits of a decision or procedural ruling” are not cognizable in a judicial complaint. See 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.) Rules 3(h)(3)(A), 11(c)(1)(B). The complainant’s perplexing statements concerning Obeah “lack[] sufficient evidence to raise an inference that misconduct has occurred” and are “frivolous.” See 28 U.S.C. § 352(b)(1)(A)(iii); J.C.U.S. Rule 11(c)(1)(C), (D). To the extent the complainant complains of actions taken by the United States Supreme Court or by people who are not United States judges, such grievances are outside the purview of the judicial complaint procedure because the judicial complaint procedure is limited to United States magistrate, district court, and circuit court judges. See 28 U.S.C. § 351(a), (d)(1); J.C.U.S. Rule 4; E.C. Rule 1(c).

The complainant is cautioned that filing “repetitive, harassing, or frivolous complaints,” or any other abuse of the judicial complaint procedure, may result in the imposition of conditions limiting “the complainant’s use of the complaint procedure.” See J.C.U.S. Rule 10(a).

The complaint is dismissed.

April 29, 2016



William Jay Riley, Chief Judge
Eighth Circuit