

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-16-90033

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In re Complaint of John Doe<sup>1</sup>

This is a judicial complaint filed on April 4, 2016 by an incarcerated pro se civil litigant against the United States district court judge presiding over the complainant's prisoner civil rights cases.

According to the complainant, "Both Cases were incorrectly filed by not Stating Jurisdiction, in Capacities, Color of Law, causes of actions, Correctly naming the defendants." The complainant explains, "[t]his will Clearly give the defendants good valid arguement [sic]" and "the Judge knows the [complainant] has no Chance of Success and will be Set up for failure." The complainant takes issue with the district court judge's decision to deny the complainant's motion for a temporary restraining order and preliminary injunction "before attempting to follow the rules of the Motion Sending a qualified Physician to examin [sic] the [complainant]." The complainant also challenges the district court judge's decision not to appoint the complainant an attorney. The complainant asserts an "attorney Contacted the Judges [sic] Chambers to Volunteer Services to assist [the complainant and] the judge denied that Volunteer."

The complainant references equal protection and due process, but it is difficult to ascertain the nature of the complainant's grievance with respect to these concepts.

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<sup>1</sup>Under 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 judge complained about are to remain confidential, except in special circumstances not present here.

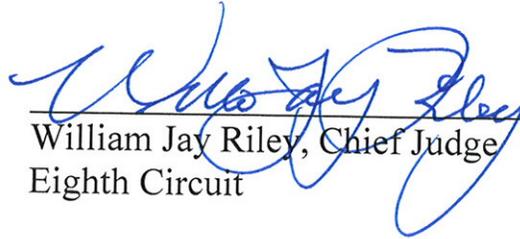
The complainant reports “[t]he [complainant] has been deemed a Master at articulatean [sic] argue Position [sic] and the Courts have Stated ‘There are disadvantages[.]’” The complainant also states “[t]he Judges, attorney general, defendants are Women,” “each are fellow Law enforcement,” and “[a]ll are White in Which [sic] Similarly Situated are treated differently [sic].”

The complainant also raises numerous issues relating to “[t]he defendants” and “the attorney general,” listing alleged “violat[i]ons” including: “denied medical,” “[d]enied access to medical record [sic],” “false inculpatory reports,” “[d]amage of Property,” “[c]onfiscated envelopes,” “[v]iolated Privileges and Immunities rights,” “false [sic] Locked [the complainant] down,” “[c]ommitted forgery,” “false Affidavits,” and “tampering with Medical record [sic].” The complainant also asserts “[t]he defendants have Violated Civil rules of Procedure in-Cluding [sic] the attorney general [sic].” According to the complainant, “Courts have Stated DOC has basically a right to Violate [the complainant’s] rights when a Policy of DOC is enforced by federal Law including offenders with disabilities [sic].”

Complaints regarding the district judge’s rulings concerning the complainant’s motions for a temporary restraining order, a preliminary injunction, and the appointment of an attorney must be dismissed because challenges “directly related to the merits of a [judge’s] decision or procedural ruling” are not cognizable in a judicial complaint. See 28 U.S.C. § 352(b)(1)(A)(ii); 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 disjointed assertions are also “frivolous” and “lack[] sufficient evidence to raise an inference that misconduct has occurred.” See 28 U.S.C. § 352(b)(1)(A)(iii); accord J.C.U.S. Rule 11(c)(1)(C), (D). Finally, the complainant’s grievances with respect to the actions of the parties and attorneys involved in the complainant’s cases must be dismissed because the judicial complaint procedure is limited to United States judges. See 28 U.S.C. § 351(a), (d)(1); J.C.U.S. Rule 4; E.C. Rule 1(c).

The complaint is dismissed.

April 21, 2016



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William Jay Riley, Chief Judge  
Eighth Circuit