

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP Nos. 08-16-90036/08-16-90037/08-16-90038/08-16-90039

In re Complaints of John Doe¹

These are four judicial complaints filed on April 15, 2016, by a pro se civil litigant against the United States magistrate judge assigned to review the complainant's claim for social security benefits and three United States Circuit Court judges who adversely decided the complainant's appeal to the Eighth Circuit Court of Appeals. The complaints about the four judges are combined in one complaint.

The complainant has attached to his complaint an "Appeal and Petition for Rehearing." The complainant requests to "correct [the circuit judges'] wrongful decision to agree with [the magistrate judge]." The complainant asserts the magistrate judge "bent the rules by allowing [the government's attorney] to respond a year later with a late response." The complainant also contends the magistrate judge "has been providing false information." The complainant adds he is "having a hardship" and complains "this is bad etiquette." The complainant also points out the "Department of Human Services accepted [his] valid . . . doctors [sic] note" and states he wants his Social Security benefits granted.

The complainant also includes part of a letter addressed to a second magistrate judge. While the letter is difficult to comprehend, it appears to relate to the complainant's difficulties filing documents with the Eighth Circuit Court of Appeals.

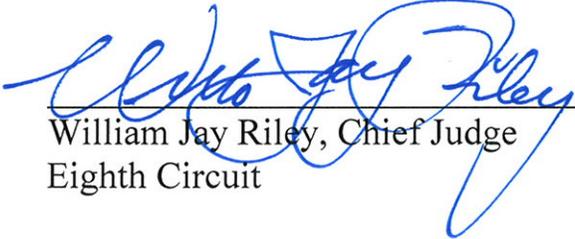
¹Under Rule 4(f)(1) of the Eighth Circuit Rules Governing Complaints of Judicial Misconduct and Disability (E.C.), the names of the complainant and the judges complained about are to remain confidential, except in special circumstances not present here.

The complainant names two individuals that he asserts “misled [the complainant] that everything was ok.” The complainant proclaims that “staff should be held in contempt of the law; hindering, obstruction of justice, anti discrimination Disabilities Act of 1990” and also asserts “several court practices have been called into question for questionable and suspicious practices addressed in the August 13, 2015 legal memo.” The complainant does not include that memo.

The complainant’s purported appeals of the magistrate judge’s decision and the circuit court judges’ decision are not cognizable in a judicial complaint because they are “directly related to the merits of a decision or procedural ruling.” 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 allegations also “lack[] sufficient evidence to raise an inference that misconduct has occurred” and are “frivolous.” 28 U.S.C. § 352(b)(1)(A)(iii); J.C.U.S. Rule 11(c)(1)(C), (D). The complainant’s grievances with respect to opposing counsel and other individuals who are not United States judges must be dismissed because the judicial complaint procedure pertains only 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.

May 20, 2016



William Jay Riley, Chief Judge
Eighth Circuit