

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-15-90045

In re Complaint of John Doe¹

This is a judicial complaint filed on May 31, 2016 by a pro se civil litigant against the United States district judge who presides over the complainant's employment discrimination case.

The complainant alleges the district judge discriminated against him on the basis of race and sex and violated "several forms of confidentiality." The complainant explains, "[e]verything [the complainant] ha[s] asked for [the district judge] in writing [the district judge] has denied every single time and [the district judge] has granted the other side." The complainant challenges several specific rulings, including the district judge's decision to deny the complainant "any discovery." According to the complainant, the district judge "went as far as granting . . . a no contact order for the other side just so [the complainant] c[ouldn't] get the Discovery [the complainant] need[ed]."

The complainant asserts the district judge erroneously required the complainant to provide unspecified documentation "that is confidential between" the complainant and his wife. The complainant, reportedly "an ordained minister," contends the district judge also "violated the clergy pennant [sic] privilege" by forcing the complainant's wife to provide documentation the complainant could not. The

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 judge complained about are to remain confidential, except in special circumstances not present here.

complainant asserts the clergy privilege prohibits both him and his wife from providing certain documentation to opposing counsel. The complainant also challenges the district judge's denial of the complainant's request for an attorney.

The complainant maintains the district judge's rulings against the complainant constitute discrimination against the complainant because the complainant is a biracial man, whereas opposing counsel are white women. The complainant likewise charges "the attorneys," presumably opposing counsel, with discriminating against him. The complainant further reports opposing counsel has engaged in ex parte contacts with the district judge, and the complainant "feel[s] [the district judge] is taking bribes" from opposing counsel. Finally, the complainant proclaims the district judge "has been unprofessional" and is "retaliating" against the complainant for filing a judicial complaint.

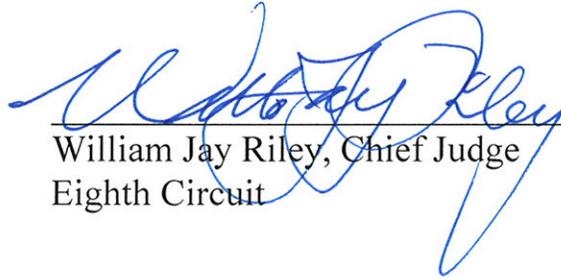
The complainant's challenges to the district judge's rulings are outside the scope of the judicial complaint procedure and must be dismissed because they are "directly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii); accord Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rules 3(h)(3)(A), 11(c)(1)(B). Although allegations of bias or improper motive are not necessarily merits-related, such allegations must be dismissed as merits-related where, as here, the only support for such allegations are the merits of the judge's rulings themselves. See J.C.U.S. Rule 3(h)(3)(A).

The complainant's unsupported 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). And to the extent the complainant raises complaints against individuals who are not United States judges, these complaints must be dismissed as outside the scope of the judicial complaint procedure

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.

June 14, 2016



William Jay Riley, Chief Judge
Eighth Circuit