

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP Nos. 08-16-90046/08-16-90047

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

These are judicial complaints filed on May 31, 2016 by a pro se civil litigant against a United States magistrate judge and the United States district judge who presided over the complainant's employment discrimination case.

The complainant filed a discrimination case against a state agency, alleging unspecified employees made discriminatory remarks about his age and clothing. According to the complainant, "they" hired for an unspecified position, presumably a position complainant sought, a young woman who "knew nothing about computers" and was unqualified. The complainant reports "[t]he states [sic] atty [sic] said there would be a settlement, not a large one." The complainant challenges the magistrate judge's purported decision not to tell the district judge about this settlement conversation, and adds, "[t]here was no settlement offer by the court." Finally, the complainant states he "made ref [sic] to [the district judge] the states [sic] atty [sic] was too friendly with the agency [the complainant] was suing, this should have been look [sic] into." The complainant "believe[s] a grave injustice occur [sic]."

The complaints 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

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

the United States (J.C.U.S.) Rules 3(h)(3)(A), 11(c)(1)(B). The complaints also must be dismissed because they “lack[] sufficient evidence to raise an inference that misconduct has occurred” and are “frivolous.” 28 U.S.C. § 352(b)(1)(A)(iii); accord J.C.U.S. Rule 11(c)(1)(C),(D). Finally, 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 relates 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 complaints are dismissed.

June 20<sup>th</sup>, 2016

  
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William Jay Riley, Chief Judge  
Eighth Circuit