

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-16-90049

In re Complaint of John Doe¹

This is a judicial complaint filed on June 29, 2016 by a pro se civil litigant against the United States district judge who denied his petition for a writ of habeas corpus.

According to the complainant, a state court declared him incapacitated and appointed a family member as his guardian. The complainant was “involuntaRily committed” to a state hospital. It appears the complainant seeks reversal of the district judge’s order, but the factual basis for his complaint against the district judge is unclear. The complainant asserts “the cause-and-PRejudice Rule allowed fedeRal CouRts to gRant Relief on the basis of a constitutional Challenge that was PResented to the tRial if the PRisoneR Showed good cause foR to make [sic] the Challenge at tRial [sic], and also Showed that the tRial couRt’s eRRoR actually PRejudiced the PRisoneR.”

The complainant also raises a number of issues seemingly unrelated to the district judge, including general statements about other areas of law and references to the complainant’s prior criminal matters. The complainant also notes concerns about the attorney appointed to represent him in state court, explaining that his attorney “alleged conflict of inteRest issues and [the attorney’s] fim’s [sic] ability to

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.

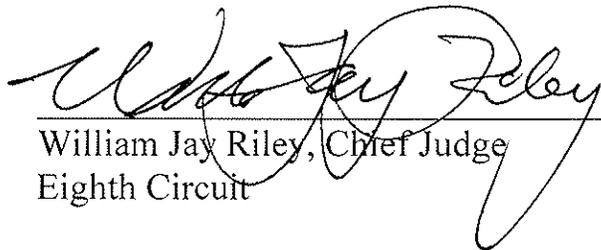
take on [the complainant and] to continue with existing [clients], Returns of fees, and discipline and liability for malpractice breach of fiduciary duty [sic].”

Any challenge raised by the complainant pertaining to the district judge’s decision to deny his petition for habeas corpus is not cognizable in a judicial complaint because such challenges are “directly related to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); see also 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). A direct appeal to the court of appeals is the proper procedure.

The complainant’s general statements about various areas of law bear no apparent relationship to the district judge, and such statements “lack[] sufficient evidence to raise an inference that” the district judge engaged in misconduct. 28 U.S.C. § 352(b)(1)(A)(iii); J.C.U.S. Rules 3(h)(3)(A), 11(c)(1)(C), (D). Finally, to the extent the complainant raises grievances pertaining to state court judges, the complainant’s attorney, or others who are not United States judges, such grievances are beyond the scope of the judicial complaint procedure because the judicial complaint procedure applies 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.

July 25, 2016



William Jay Riley, Chief Judge
Eighth Circuit