

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

---

JCP No. 08-16-90066 / 08-16-90067

---

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

This is a judicial complaint filed on October 17, 2016, by an inmate against the United States magistrate and district court judges who presided over complainant's pro se petition for federal habeas relief and made rulings adverse to complainant.

Complainant filed a federal habeas petition, and the magistrate judge issued proposed findings and recommended to deny the petition, which the district court adopted in full. Complainant bases his judicial complaint "upon the fact that once the Judge's [sic] ruled [his] . . . petition was untimely, and his claims were barred by the statute of limitation, said Judge's [sic] lacked authority to address or examine the . . . claims in [complainant's] federal petition." Complainant alleges the magistrate judge has committed "blatant acts of misconduct" by "exceed[ing] his authority" and that the magistrate judge "clearly lacked jurisdiction by law to address the merits of the complaint [sic] claims."

By "condoning said acts by accepting [the magistrate judge's] recommendation in its entirety," complainant asserts the district judge has also committed misconduct. Complainant proposes this misconduct "only works to further undermine confidence within the Courts, and gives reasonable people the assumption that our courts of law is [sic] truly a kangaroo court system that lacks judicial accountability."

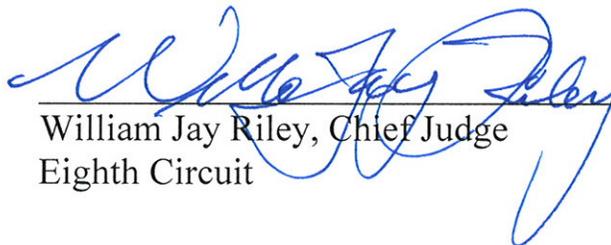
---

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

Despite complainant's contention that this judicial complaint "'is not' an attempt to collaterally attack the substance of the Judge's [sic] rulings," complainant's allegations challenge the merits of the issued recommendation and order. "An allegation that calls into question the correctness of a judge's ruling, . . . without more, is merits-related." Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 3(h)(3)(A). Allegations "directly related to the merits of a decision or procedural ruling" are not actionable judicial misconduct and must be dismissed. 28 U.S.C. § 352(b)(1)(A)(ii), accord J.C.U.S. Rule 11(c)(1)(B). Complainant's suggestions of misconduct are "frivolous [and] lacking sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii); see also J.C.U.S. Rules 11(c)(1)(C) and (D).

The complaint is dismissed.

December 12, 2016



---

William Jay Riley, Chief Judge  
Eighth Circuit