

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP Nos. 08-16-90069/08-16-90070

In re Complaints of John Doe¹

These are judicial complaints filed on November 23, 2016, by a pro se civil litigant against the three United States district court judges who dismissed complainant's civil complaints with prejudice and issued the complainant sanctions for filing frivolous lawsuits.²

The district judges involved in these complaints presided over the complainant's civil suits. Each suit was dismissed for, among other reasons, preclusion and a lack of subject matter jurisdiction. Following the dismissal of one suit, the district judge sanctioned the complainant \$1,000 for filing a frivolous lawsuit and prohibited the complainant from filing any subsequent lawsuits until the sanction is paid. The complainant claims the judges "engage[d] in conduct in violation of the Supreme law of the land, in violation of his duty under the law, in 'fraud upon the court' and to aid and abet other[s] in criminal activity." According to the complainant, the district judges have "no respect for the law" and do "not maintain professional competence in the law." The complainant alleges the judges "engage[d]

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

²One judicial complaint was filed against a district court judge who now is deceased. Because the district judge has passed, the complaint against him is moot. See Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(e).

in conduct in violation of their duty as a judge and of the Supreme law of the land and the law of Illinois, engage[d] in acts of Judicial treason, committed fraud upon the court, engage[d] in acts as a trespasser of the law, exceeded their lawful authority, ingage[d] [sic] in action to cover up the lawful act of judge-shopping, committed fraud upon the state of Illinois and aided and abetted criminal activity.”


It is difficult to determine the underlying conduct the complainant alleges constituted these violations, but in a district court complaint attached to the judicial complaint, the complainant alleges the district judges “failed to do their job and check to see if they held subject-matter jurisdiction to hold a proceeding or to issue a judgment” in the three civil suits the district judges previously dismissed. The complainant objects to the fact the district judges “knew . . . [the complainant] had no claim in his complaints” but still “held proceeding[s] and issued judgments outside of their jurisdiction to deprive [the complainant] of a lawsuit.” It appears the complainant alleges the district judges should have dismissed his complaints for lack of subject matter jurisdiction, but that precisely is what the district court judges did.

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 the United States (J.C.U.S.) Rules 3(h)(3)(A), 11(c)(1)(B). The only evidence alleged of “conduct prejudicial to the effective and expeditious administration of the business of the courts” is that the district judges issued rulings adverse to the complainant. J.C.U.S. Rule 3(h)(1). “An allegation that calls into question the correctness of a judge’s ruling, . . . without more, is merits-related.” Id. Rule 3(h)(3)(A). The complainant did not appeal the dismissals of his cases. To the extent the complainant alleges the district judges violated their oaths of office and the code of judicial conduct, aided and abetted criminal acts, violated Illinois state law by committing fraud, or committed treason, the allegations are “lacking sufficient evidence to raise

an inference that misconduct has occurred,” and are “frivolous.” J.C.U.S. Rule 11(c)(1)(C), (D).

The complaints are dismissed.

February 1, 2017



William Jay Riley, Chief Judge
Eighth Circuit