

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-16-90075

In re Complaint of John Doe¹

This is a judicial complaint filed December 12, 2016, by a pro se litigant against the United States district judge who dismissed the complainant's civil suit without prejudice for failure to prosecute.

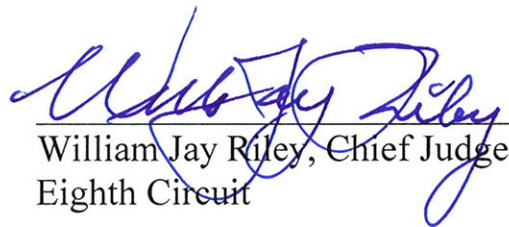
The complainant objects to the district judge "order[ing] [him] to send a summons to the Securities and Exchange Commission under Federal Rule of Civil Procedure 4(m)." The district judge issued an order in July 2016 warning the complainant the case would be dismissed without prejudice if the complainant failed to provide proof of service or good cause why service could not be effected by July 29, 2016. The complainant claims he sent the summons July 26, 2016, but the record does not show he provided proof of such service to the district court. The complainant contends the "SEC ignore[s] rules and regulations under FDIC Act" and the complainant suffered "economic losses from unauthorized bank loans" due to actions of the President of the United States of America and the President's family and friends. The complainant also asserts the district judge "was given 350,000 dollars to stonewall a lawsuit [that] could help out with the economi [sic]." The complainant requested that the courts enforce federal regulations and "look into the matter of duplicate Bank account[s] and cusip account." The complainant further makes charges against the Federal Reserve Bank and others.

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.

To the extent the complaint claims the district judge improperly dismissed the civil suit because the complainant allegedly did serve the defendant within the required time frame, the complaint must be dismissed because it is “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.) Rule 11(c)(1)(B). These claims “call[] into question the correctness of a judge’s ruling” and, as such, are merits-related. J.C.U.S. Rule 3(h)(3)(A). The complainant also asserts the district judge accepted a bribe in exchange for dismissing a lawsuit, but this assertion is “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. Rule 11(c)(1)(C), (D). The remainder of the allegations in the complaint do not “concern the actions or capacity . . . of judges of the United States courts of appeals, judges of United States district courts, judges of United States bankruptcy courts, United States magistrate judges, and judges of the courts specified in 28 U.S.C. § 363.” J.C.U.S. Rule 4. These allegations must be dismissed because the judicial complaint process only addresses the conduct of covered judges. See 28 U.S.C. § 351.

The complaint is dismissed.

February 21, 2017



William Jay Riley, Chief Judge
Eighth Circuit