

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-17-90019

JCP No. 08-17-90020

In re Complaint of John Doe¹

These are judicial complaints filed March 2, 2017, by an incarcerated pro se civil litigant against the United States district court judge who granted the removal of his state civil case to federal court based on diversity jurisdiction, adopted the United States magistrate judge's report and recommendation to dismiss his civil suit on the merits and with prejudice, and thereafter denied the complainant's motion to stay the action pending his appeal.

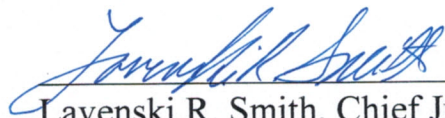
The judicial complaint alleges that the district judge lacked jurisdiction to remove the complainant's case to federal court and improperly granted the removal motion based on a "totally racist" motive. Complainant also alleges that the judges' failure to recuse; display of racial or personal bias; derogatory remarks; and constant, extreme hostility from the bench further evidenced judicial misconduct.

The allegations are "directly related to the merits of a decision or procedural ruling" in that it challenges the district court judge's authority to render orders removing his case from state district court to federal court, and that the claims had no meritorious grounds and were dismissed with prejudice accordingly. *See* 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); *see also* J.C.U.S. Rule 3(h)(1)(A)(B)(C)(D)(3)(A)(B). "An allegation that calls into question the correctness of a judge's ruling ... without more, is merits-related." J.C.U.S. Rule 3(h)(3)(A).

The complaint is dismissed.

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 judicial officer complained against are to remain confidential, except in special circumstances not here present.

July 19, 2017


Lavenki R. Smith, Chief Judge
United States Court of Appeals
For the Eighth Circuit