

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-17-90044

JCP No. 08-17-90045

JCP No. 08-17-90046

JCP No. 08-17-90047

In re Complaint of John Doe¹

This is a judicial complaint filed against three United States circuit judges, and a United States district judge, as well as against the clerk of the United States Court of Appeals and against complainant's attorney.

The complaint alleges that the circuit judges failed to adjudicate the merits of complainant's attempted appeal and failed to give any legal opinion or reason why they denied complainant's application for a certificate of appealability. The complaint against the district judge alleges that the judge's reliance upon complainant's Illinois burglary conviction rendered complainant's sentence illegal.

These allegations are directly related to the merits of the respective judges' decisions or procedural rulings and are not cognizable in a judicial complaint. See 28 U.S.C. § 352(b)(1)(A)(ii); 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). Accordingly, they must be 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.

Complainant's allegations with respect to the clerk of court and complainant's attorney must be dismissed because the judicial complaint procedure is limited 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.

May 11, 2017

A handwritten signature in cursive script, reading "Roger L. Wollman", is written above a horizontal line.

Roger L. Wollman, Circuit Judge
United States Court of Appeals
for the Eighth Circuit