

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-17-90051

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ORDER

In re Complaint of John Doe¹

This is a judicial complaint filed on May 18, 2017, and a supplemental complaint filed on June 1, 2017, against a United States district judge who presided over the complainant's 42 U.S.C. §1983 civil rights case and dismissed that case without prejudice for lack of federal subject matter jurisdiction.

The complaint alleges that the district judge wrongfully failed to adjudicate the merits of the complainant's civil rights case by dismissing from the lawsuit, without explanation or notice, one of the defendants, a key government actor; crucial to his civil rights claim. The complaint alleges that the district judge intentionally and willfully deprived the complainant of the right to confront, and cross-examine the defendant; and to introduce evidence regarding the complainant's alleged damages. Additionally, the complainant claims that the district judge's judicial bias infected the entire record, resulting in the Eighth Circuit's refusal to entertain certain evidence.

In his supplemental complaint, the complainant contends that the district court judge "ignored, blocked complainant's access to the court, ruled by the bench, ignored due process, [and his] actions were above the law [and] detrimental to the complainant . . . , which in total created obstruction of justice in the business of the court to render equal justice, a violation of the complainant's 'first, sixth

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.

and 14th Amendments.” Hence, the complainant “would like to re-introduce evidence that support the charge of felony obstruction of justice . . . an expedited ruling that overturns the district court decision and court of appeals decision, and award requested damages.”

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). The complaint and supplemental complaint merely “call[] into question the correctness of a judge’s ruling,” J.C.U.S. Rule 3(h)(3)(A), focusing on the district judge’s evidentiary rulings and the appellate court’s dismissal of complainant’s civil suit. Accordingly, the complaints must be dismissed.

The complaints are dismissed.

August 21, 2017



Lavenski R. Smith, Chief Judge
United States Court of Appeals
for the Eighth Circuit