

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-17-90055

In re Complaint of John Doe¹

This is a judicial complaint filed by a pro se litigant against a United States magistrate judge who recommended that the litigant's action be summarily dismissed without prejudice. The magistrate judge determined that the pro se litigant's civil complaint failed to comply with Federal Rule of Civil Procedure 8(a)(2) and was frivolous, *see* 28 U.S.C. 1915(e)(2)(B)(i).

The judicial complaint alleges that the magistrate judge violated Minnesota public policy by "refus[ing] to provide protection for an 'Incapacitated Person' and/or 'Financially Exploited Vulnerable Adult'" when the magistrate judge failed to "read any of [the] exhibits attached to the Civil Complaint." The complainant objects to the magistrate judge excluding certain exhibits and "holding a Vulnerable Adult to the pleading standards of a seasoned Attorney[,] instead of a pro-se Incapacitated Person." The complaint also alleges that the magistrate judge lied about certain records in the report and recommendation and is "engaged in a criminal conspiracy on behalf of his political party to cover up the 'criminal conflicts of interest' of" certain persons.

The complaint's allegations are "directly related to the merits of a decision or procedural ruling" and therefore must be dismissed. 28 U.S.C. § 352(b)(1)(A)(ii);

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.

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)(3)(A) (“An allegation that calls into question the correctness of a judge’s ruling . . . without more, is merits-related.”). As to the complainant’s bare, speculative allegation that the magistrate judge engaged in a criminal conspiracy, such allegation “lack[s] sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); *accord* J.C.U.S. Rule 11(c)(1)(D).

The complaint is dismissed.

September 6, 2017



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