

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-17-90057

JCP No. 08-17-90058

JCP No. 08-17-90075

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In re Complaint of John Doe<sup>1</sup>

These are three consolidated judicial complaints filed by a civil litigant, the civil litigant's family member, and a witness for the civil litigant against the United States district judge who granted summary judgment against the civil litigant on his employment-discrimination claim.

The civil litigant alleges that the district judge falsified statements and misrepresented his character in the summary-judgment order. The judicial complaint gives specific examples of alleged misstatements and falsities from the district judge's order. The civil litigant maintains "that there needs to be a better outcome than what was presented by" the district judge.

The civil litigant's family member alleges that the district judge engaged in unethical and improper conduct by showing partiality, bias, or prejudice and willfully or persistently failed to perform an official duty by committing legal error. The family member alleges that the district judge's order contains false statements. The family member "find[s] it very hard to comprehend that [the district judge] could have read all the filings and depositions and still choose to completely dismiss all charges."

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<sup>1</sup>Under 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.

The witness for the civil litigant makes the same allegations and adds that the district judge entered an erroneous judgment based on facts not entered into the record. According to the witness, the district judge completely failed to review and consider the evidence that the civil litigant's lawyer presented. The witness alleges that the district judge's errors and bias are reflected in the summary-judgment order.

These allegations must be dismissed because they are directly related to the merits of the judge's decision or procedural rulings and are therefore not proper subjects of a judicial complaint. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conferences of the United States (J.C.U.S.) Rules 3(h)(3)(A), 11(c)(1)(B). An appeal is the proper way to challenge the merits of a judge's rulings.

The complaint is dismissed.

September 6<sup>th</sup>, 2017



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