

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-17-90078

In re Complaint of John Doe¹

This is a judicial complaint filed by an incarcerated pro se litigant against the United States district judge who dismissed his civil rights action.

The judicial complaint criticizes the reasoning of the district judge's dismissal order and seeks to "clarify" the complainant's civil rights action. The complainant asserts that the district judge made an "incorrect declaration of the subject-matter jurisdiction" and also dismissed his claims "under false findings of fact and conclusions of law."

These allegations are directly related to the merits of the district judge's decisions or procedural rulings and are not cognizable in a judicial complaint. 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)(3)(A) ("An allegation that calls into question the correctness of a judge's ruling . . . without more, is merits-related."). 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.

The complaint is dismissed.

September 16th, 2017

A handwritten signature in cursive script, reading "Lavenski R. Smith". The signature is written in black ink and is positioned above a horizontal line.

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