

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-17-90099

In re Complaint of John Doe¹

This is a judicial complaint filed by a pro se inmate against the United States district judge who has presided over the inmate's criminal case. The inmate alleges that the district judge has (1) "continually refused to address a valid, . . . Constitutional challenge to the Subject Matter of [the inmate's] charges" resulting in his unlawful detainment; (2) "failed to address the lack of a valid Federal Search warrant"; and (3) routinely dismissed the inmate's motions. The supplemental documents attached to the judicial complaint present four legal questions related to these allegations.

These allegations must be dismissed because they are directly related to the merits of the district judge's decisions or procedural rulings and are therefore not proper subjects of 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). An appeal is the proper way to challenge the merits of a judge's rulings.

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.

December 26th, 2017



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