

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-18-90011

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

This is a judicial complaint filed by a pro se inmate against the United States district judge who granted the inmate's motion to voluntarily dismiss the inmate's civil rights action under 42 U.S.C. § 1983.

The complainant alleges that the district judge (1) has shown "very clear signs of mental disabilities"; (2) "act[ed] out with rage and hostility toward the" complainant; (3) obstructed justice; (4) committed a felony by corruptly attempting to collect an excessive and unauthorized fee from the complainant; (5) threatened the complainant in the dismissal order; and (6) hates the opposite sex and allowed such disdain to "be a part of [the district judge's] decision making[] in court."

The record shows that the district judge entered an order informing the complainant that if the complainant did not pay the required filing fee within a specified time, the district judge would dismiss the civil rights action. The complainant did not pay the filing fee, and the district judge dismissed the case. After the district judge dismissed the case, the district judge learned that a clerical error had been made regarding the complainant's address. In the interest of justice, the district judge vacated its prior orders and gave the complainant additional time to pay the filing fee. The complainant subsequently moved to dismiss the civil rights action

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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.

without prejudice. The district judge granted the complainant's motion to dismiss. In the dismissal order, the district judge noted that the complainant's "filings contain numerous unsupported and nonsensical accusations regarding this court," including that the district judge "is too old and might be suffering from mental disabilities." The district judge put the complainant "on notice that [if the complainant] files further unsupported pleadings in this case, or any other, he may be subject to sanctions pursuant to Fed. R. Civ. P. 11(c)(3)."

The complainant's allegations against the district judge "lack[] sufficient evidence to raise an inference that misconduct has occurred"; accordingly, the allegations must be dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); *accord* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(C),(D). In addition, to the extent the complainant challenges the district judge's orders, such challenges 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); *accord* 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, the allegations must be dismissed.

The complaint is dismissed.

May 31, 2018



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