

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-18-90013

In re Complaint of John Doe¹

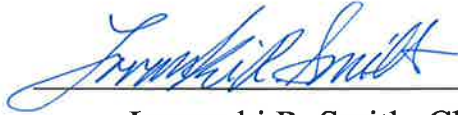
This is a judicial complaint filed by pro se litigants against one of the United States circuit judges who served on the panel dismissing their appeal pursuant to Eighth Circuit Rule 47A(b). The judicial complaint alleges that the circuit judge was on notice prior to the panel’s dismissal that the litigants had filed a judicial complaint against the circuit judge. According to the judicial complaint, the circuit judge’s “presence on the panel is grounds for vacating the judgment of the panel since [the circuit judge] is disqualified [from the case] due to [the prior judicial complaint].”

The judicial 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); *accord* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(B). The complaint only calls into question the correctness of the circuit judge’s order dismissing the litigants’ appeal, and, as such, is not cognizable misconduct. *See* J.C.U.S. Rule 3(h)(3)(A) (“An allegation that calls into question the correctness of a judge’s ruling, including a failure to recuse, without more, is merits-related.”).

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.

May ~~2017~~, 2018



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