

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-18-90029

JCP No. 08-18-90030

JCP No. 08-17-90031

In re Complaint of John Doe¹

This is a judicial complaint filed by a pro se litigant against the three United States circuit judges who affirmed on appeal the adverse grant of summary judgment in the pro se litigant's employment-discrimination action. The judicial complaint alleges that the circuit judges "failed to address and correct errors" of the lower court.

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 judges' ruling, 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 . . . 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 30, 2018

A handwritten signature in blue ink, reading "Lavenski R. Smith", is positioned above a horizontal line.

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