

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-18-90021

JCP No. 08-18-90028

JCP No. 08-18-90032

JCP No. 08-18-90036

In re Complaint of John Doe¹

These are judicial complaints filed by an inmate against the United States district judge who dismissed the inmate's pro se complaint pursuant to 42 U.S.C. § 1983 against, *inter alia*, another district judge who had presided over an earlier habeas case filed by the inmate.

In the first judicial complaint, the complainant alleges that a conflict of interest exists because the complained-of district judge "is supervised in some capacities by" the district judge that the complainant sued. The complainant "sincerely believe[s]" the district judge dismissed the § 1983 action in bad faith.

In the second judicial complaint, the complainant alleges that the district judge retaliated against the complainant for filing his judicial complaint by denying his motion for a new trial. The complainant contends that the district judge "should have recused."

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.

In the third judicial complaint, the complainant alleges that the district judge obstructed justice for “den[ying] the petition without a hearing and refus[ing] to serve process.”

In the fourth judicial complaint, the complainant questions why the district judge issued two orders denying his motion for reconsideration of his motion for a new trial, which the complainant had styled as a motion under the All Writs Act, 28 U.S.C. § 1651. The complainant alleges that the district judge “is showing wildly pervasive personal bias and prejudice against” the complainant.

The complainants’ allegations of bias, bad faith, and prejudice against the district judge are purely speculative and “lack[] sufficient evidence to raise an inference that misconduct has occurred.” 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)(D).

The complaint is dismissed.

May 31, 2018



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