

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-18-90040

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate against the district judge who dismissed the inmate's civil rights complaint without prejudice for failure to pay the filing fee.

The judicial complaint alleges that the district judge is protecting a police officer who "violated both State and Federal law in kidnapping [the inmate's] children, aid[ed] and abett[ed] others, collud[ed] with [the county prosecutor], and conspir[ed] to assault and murder [the inmate]." According to the judicial complaint, the district judge was "informed of" the police officer's "criminal activity" but chose "to cover up for and protect" the police officer.

The judicial complaint's allegations of a conspiracy are purely speculative and "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 dismissal order, such challenge is "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

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 Judicial Conference of the United States (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.

August 8, 2018



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