

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-18-90051

In re Complaint of John Doe¹

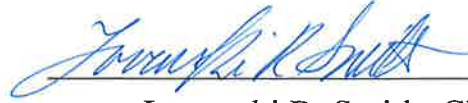
This is a judicial complaint filed by an inmate against the district judge who dismissed the inmate's petition for writ of habeas corpus as untimely. The judicial complaint requests a thorough investigation of the district judge for dismissing the petition without granting the inmate an evidentiary hearing. The judicial complaint seeks reinstatement of the case so that the inmate can ultimately obtain a new trial.

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 calls into question the correctness of the district judge's order dismissing the inmate's habeas petition. *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.

August 12, 2018



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