

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-18-90057

In re Complaint of John Doe¹

This is a judicial complaint filed by pro se civil plaintiffs against the United States district judge who dismissed the plaintiffs' civil lawsuit with prejudice as a sanction for the plaintiffs' willful disobedience of the district judge's orders.

The judicial complaint challenges numerous orders entered by the district judge, contending that in entering those orders the district judge committed multiple "fraud[s] upon the court"; "showed bias for Defendants and prejudiced [the plaintiffs] by referring to [the plaintiffs'] amended complaint as '*futile*'"; "ordered partisan discovery against [the plaintiffs]"; and made unjust findings against the plaintiffs.

The judicial complaint's bare, speculative allegations of bias and prejudice are "frivolous, lacking 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)(C)-(D). Moreover, the judicial complaint's challenges to the district judge's orders 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* 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

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 correctness of a judge's ruling, . . . without more, is merits-related.”). Accordingly, the allegations must be dismissed.

The complaint is dismissed.

October 1st, 2018



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