

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-18-90088

JCP No. 08-18-90089

JCP No. 08-18-90090

JCP No. 08-18-90091

In re Complaint of John Doe¹

This is a judicial complaint filed by a pro se prisoner against two United States circuit judges and two United States district judges.¹

The judicial complaint alleges that the district judge who presided over the prisoner's criminal case permitted violations of the prisoner's due process rights and allowed the prisoner's attorneys to provide ineffective assistance of counsel. It further alleges that the district judge who presided over the petition to determine the prisoner's mental condition civilly committed the prisoner without sufficient evidence, permitted violations of the prisoner's due process rights, and allowed the prisoner's attorneys to provide ineffective assistance of counsel. Finally, the judicial complaint challenges the circuit judges' affirmance of the district judge's order civilly committing the prisoner.

The judicial complaint's bare allegations against the judges "lack[] sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C.

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.

¹The judicial complaint also names an unidentified state court judge and a circuit judge no longer serving on the court.

§ 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). To the extent the judicial complaint challenges the judges' rulings pertaining to the prisoner's criminal case and civil commitment, the allegations are directly related to the merits of the judges' decisions or procedural rulings and are not cognizable in a judicial complaint. *See* 28 U.S.C. § 352(b)(1)(A)(ii); J.C.U.S. Rules 3(h)(3)(A), 11(c)(1)(B).

The complaint is dismissed.

December 20th, 2018



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