

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-19-90001

In re Complaint of John Doe¹

This is a judicial complaint filed by a pro se inmate against the United States district judge who entered an order in a separate case prohibiting the sale, possession, and use of certain products inside a correctional facility in which the inmate is housed. The inmate alleges that the products were illegally removed from that facility, requests that the use of the products be reinstated, and requests the imposition of sanctions against the district judge.

The allegation against the district judge is directly related to the merits of the district judge's decisions or procedural rulings and is not cognizable in a judicial complaint. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rules 3(h)(3)(A), 11(c)(1)(B). Furthermore, the allegation is "frivolous, lacking sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii); *accord* J.C.U.S. Rule 11(c)(1)(C)-(D). Accordingly, the allegation must be dismissed.

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.

February 9, 2019

A handwritten signature in cursive script, appearing to read "Lavenski R. Smith", is written over a horizontal line.

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