

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-19-90010

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In re Complaint of John Doe<sup>1</sup>

This is a judicial complaint by a pro se inmate against the United States district judge presiding over his § 1983 complaint.

The judicial complaint alleges that the district judge has delayed in scheduling the case for trial and has not issued a new scheduling order. The judicial complaint alleges that the “undue delay” has prejudiced the complainant because one of the remedies the complainant seeks is injunctive relief.

“Cognizable misconduct” “does not include . . . an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 3(h)(3)(B). Here, the judicial complaint does not allege an improper motive or habitual delay. Accordingly, the allegations must be dismissed. *See* Rule 11(c)(1)(A).<sup>2</sup>

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<sup>1</sup>Under 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.

<sup>2</sup>A review of the record shows that the district judge issued a memorandum opinion and order granting summary judgment to the defendants shortly after this judicial complaint was filed. A few days later, judgment was entered in accordance with the opinion.

The complaint is dismissed.

March 14, 2019



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