

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-19-90021

In re Complaint of John Doe¹

This is a judicial complaint by a pro se inmate against the United States district judge who previously dismissed the inmate's civil rights action for failure to exhaust administrative remedies and recently "denie[d] as untimely and frivolous [the inmate's] request that [several documents] be filed in this long-closed case." The district judge "direct[ed] the Clerk of Court to return to [the inmate] unfiled any other papers he may seek to file bearing this case number unless they are clearly identified as an appeal of this Order."

The judicial complaint alleges that the district judge "commit[ted] FRAUD by making a false representation in" the recent order denying the inmate's request to make "171 pages of papers" part of the closed case. The judicial complaint accuses the district judge of acting "in concert with the [State] Department of Correction, by corroborating violation(s) against 28 USC 1915 by failing to correct violations thereof and uphold [the judge's] oath of office." According to the judicial complaint, the district judge showed "bias against prisoner filing civil actions by stating, 'prisoner filed civil rights case' and misrepresented the court documents, police discovery documents[,] and sworn depositions as '171 pages of paper[.]'" The district judge, the judicial complaint alleges, "intends to avoid judicial interest in higher Court review by subverting evidence presented as nothing more than mere paper,

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.

asserting that it[']s just another ‘untimely and frivolous’ complaint by some unimportant citizen of the United States; a prisoner.”

These allegations are directly related to the merits of the district judge’s decisions or procedural rulings and are 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 4(b)(1), 11(c)(1)(B). To the extent the judicial complaint alleges that the district judge was biased, committed fraud, conspired with the State Department of Corrections, and subverted evidence, these allegations are “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 allegations must be dismissed.

The complaint is dismissed.

May 2, 2019



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