

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-20-90003

In re Complaint of John Doe¹

This is a judicial complaint filed by a pro se litigant against the United States district judge who dismissed the complainant's employment discrimination action. On appeal, the Eighth Circuit affirmed the district judge's judgment.

The judicial complaint alleges that the district judge's dismissal of her employment discrimination action conflicts with another "decision in a similar case"—not involving the complainant or the complainant's employer—in which the district judge denied the employer's motion for judgment as a matter of law following a jury trial finding in the employee's favor. The Eighth Circuit affirmed the district judge's judgment in that case, too.

The judicial complaint's allegation challenges the district judge's order dismissing the complainant's action. This allegation is directly related to the merits of the district judge's decision 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 4(b)(1), 11(c)(1)(B). 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.

2/21/2020, 2020



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