

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-20-90043

In re Complaint of John Doe¹

This is a judicial complaint by a pro se prisoner against the United States district judge who dismissed for failure to state a claim the prisoner's civil rights action filed pursuant to 42 U.S.C. § 1983. *See* 28 U.S.C. § 1915(e)(2)(B). The complainant alleges that the district judge "does not comprehend the 11th amendment" and improperly adjudicated the claim "under 28 USC although it is a 42 1983."

The judicial complaint challenges the district judge's order dismissing the § 1983 complaint. As a result, the allegations must be dismissed because they are "directly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii); *accord* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States Rule (J.C.U.S.) Rules 4(b)(1), 11(c)(1)(B).

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.

1/14/21, 2021



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