

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-20-90059

In re Complaint of John Doe¹

This is a judicial complaint filed by a civil litigant against the United States district judge who dismissed the litigant's civil complaint as barred by the *Rooker-Feldman* doctrine and for failing to state a claim under § 1983. In the dismissal order, the district judge also denied the litigant's motion to recuse. Subsequently, the district judge denied the litigant's motion for a refund of the civil filing fee.

The judicial complaint "demand[s]" that the civil litigant's filing fee be refunded, argues that the district judge should have granted the recusal motion, and challenges the district judge's dismissal of the case based on the *Rooker-Feldman* doctrine.² According to the complainant, the district judge failed to judge "in a fair and impartial manner."

The judicial complaint challenges the district judge's dismissal order, denial of the recusal motion, and denial of the motion for a refund of the civil filing fee. "Cognizable misconduct," however, "does not include an allegation that calls into question the correctness of a judge's ruling, including a failure to recuse." Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United

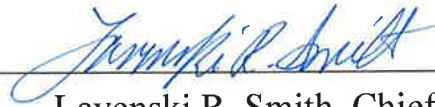
¹Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the names of the complainant and the judicial officer complained against are to remain confidential, except in special circumstances not here present.

²*Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983).

States Rule (J.C.U.S.) Rule 4(b)(1). 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* J.C.U.S. Rules 4(b)(1), 11(c)(1)(B).

The complaint is dismissed.

January 19, 2021



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