

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-20-90060

JCP No. 08-20-90061

JCP No. 08-20-90091

In re Complaint of John Doe¹

This is a judicial complaint filed by a pro se inmate (“complainant”) against the three United States circuit judges who denied the complainant’s motion for authorization to file a successive habeas application in the district court.

The complainant alleges that the first circuit judge (1) “communicated illegitimately with [an assistant attorney general] to ruin the case for the [complainant] and cause an injustice with the panel” and (2) “displayed negligence by not reviewing, reading, or noticing new evidence.”

The complainant alleges that the second circuit judge (1) “ignor[ed] state custody matters [complainant] faced after [the] first federal habeas corpus petition,” (2) ignored “other . . . exceptions” to allowing the petition, (3) “engaged in improper discussions with [an assistant attorney general],” and (4) gave “special treatment” to a sheriff.

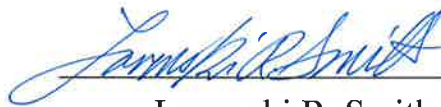
The complainant alleges that the third circuit judge engaged in “improper discussions with” the sheriff and an attorney.

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.

Having reviewed the judicial complaint and the record, I conclude that the judicial complaint's allegations against the three circuit judges are "frivolous [and] lack[] sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii); *accord* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(C), (D). None of the exhibits attached to the judicial complaint support the complainant's allegations. To the extent that the judicial complaint challenges the circuit judges' denial of the complainant's motion for authorization to file a successive habeas application in the district court, such challenge is directly related to the merits of the circuit judges' decision and is not cognizable in a judicial complaint. *See* 28 U.S.C. § 352(b)(1)(A)(ii); J.C.U.S. Rules 4(b)(1), 11(c)(1)(B).

The complaint is dismissed.

8/2/2021, 2021



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