

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-20-90062

JCP No. 08-20-90064

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In re Complaint of John Doe<sup>1</sup>

This is a judicial complaint filed by a civil litigant (“complainant”) against the two United States district judges who presided over the complainant’s discrimination suit against a university.

The complainant alleges that the district judges were biased against the complainant, permitted the university to file “bogus” pleadings, falsified facts, and suppressed and ignored evidence. The complainant also alleges that the first district judge assigned to the case (“first district judge”) used the judge’s “[o]ffice to obtain special treatment for the [university].” Specifically, the complainant claims that the first district judge’s spouse is “affiliated with [the university]”; therefore, the judge “acted with serious ‘conflict of interest.’” The complainant further maintains that the second district judge assigned to the case (“second district judge”) subsequently “concealed that [the first district judge] ‘wilfully and intentionally’ failed to recuse” and aided and abetted that judge by denying the complainant’s motion to vacate the first judge’s summary-judgment order.

I have reviewed the record. *See* J.C.U.S. Rule 11(b). The record shows that the university moved for summary judgment, filed a brief in support of that motion, and

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<sup>1</sup>Under 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.

filed a statement of facts in support of the motion. After the complainant responded to the motion, the university replied to the complainant's response. Thereafter, the first district judge granted summary judgment in the university's favor. This court affirmed. The complainant then moved to vacate the first district judge's order. In that motion, the complainant alleged that the first judge had a conflict of interest because that judge's spouse had connections to the university.


Because the complainant's motion questioned the first district judge's partiality, the case was reassigned to the second district judge. The second district judge denied the motion. Relevant to the present judicial complaint, the second district judge concluded that the complainant's exhibits failed to "establish that [the first judge's spouse] has any connection with [the university]." Instead, "[t]he materials show that other current and former members of the law firm have various . . . connections [to the university]." Specifically, in the large firm in which the spouse practiced law, one "lawyer left the firm to work for [the university]," "[a] current firm lawyer used to work there," a senior lawyer "taught an environmental law course for [the university]," and "several firm lawyers are, or have been involved in groups that support [the university]." The second district judge concluded that the complainant failed to show that the first district judge "had any conflict of interest" because none of exhibits that the complainant submitted showed that the first judge's spouse had any ties to the university.

Having reviewed the judicial complaint, exhibits, and record, I conclude that the judicial complaint is devoid of any evidence to substantiate the complainant's claims that the district judges were biased against or conspired against the complainant. The exhibits submitted in support of the judicial complaint fail to establish that the first district judge had a conflict of interest. None of the exhibits show that the judge's spouse had any connection to the university. Therefore, the allegations must be dismissed as "frivolous [and] 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). Moreover, to the extent the judicial complaint

challenges the district judges' orders, 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 judicial complaint is dismissed.

August 9, 2021

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