

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-20-90095

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

This is a judicial complaint filed by a civil litigant against the United States district judge who denied the litigant's motion for default judgment, vacated the clerk's entry of default, and dismissed the litigant's complaint under Federal Rule of Civil Procedure 12(b)(6).

The record shows that the district judge denied the civil litigant's motion for default judgment because the litigant failed to properly serve the defendant. Because the litigant failed to properly serve the defendant, the district judge set aside the clerk's entry of default. Thereafter, the district judge dismissed the litigant's complaint under Rule 12(b)(6) for failure allege facts sufficient to establish claims which would entitle the litigant to relief.

The judicial complaint alleges that the district judge erroneously overturned the civil litigant's default judgment and therefore directly challenges the district judge's orders denying the motion for default judgment and granting the motion to dismiss. Aa 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).

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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.

The complaint is dismissed.

January 20, 2021



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