

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-21-90021

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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 United States district judge who was previously assigned to the complainant’s civil rights action. The complainant alleges that the district judge suffered from a conflict of interest because the judge’s former law partner once represented the complainant. The complainant alleges that the former partner “took advantage” of another plaintiff while representing a group to which the complainant belongs.

I have reviewed the record. *See* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(b). The record shows that the complainant moved to recuse the district judge based on the alleged conflict, and the district judge entered an order of recusal. The complainant’s case was subsequently reassigned to another district judge.

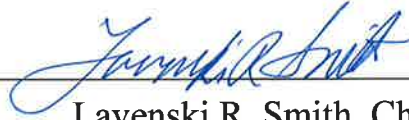
“Cognizable misconduct does not include an allegation that calls into question the correctness of a judge’s ruling, *including* a [ruling on a motion] to recuse.” J.C.U.S. Rule 4(b)(1) (emphasis added). Here, the district judge *did* recuse from the complainant’s case, and the judicial complaint “lack[s] sufficient evidence to raise an inference that misconduct has occurred.” J.C.U.S. Rule 11(c)(D).

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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 judicial complaint is dismissed.

August 14, 2021



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