

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-21-90034  
JCP No. 08-21-90068  
JCP No. 08-22-90022  
JCP No. 08-22-90036

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

These are judicial complaints filed by an inmate (“complainant”) against a United States district judge presiding over the complainant’s three civil rights actions.

With regard to the first civil action, the complainant complains about the district judge’s order denying the complainant’s motion for emergency injunction and injunctive relief against the district judge. In that motion, the complainant alleged that the district judge denied him access to the courts and acted pursuant to a “Black Code” in dismissing one of the complainant’s prior cases without prejudice for failing to prosecute and follow court orders and in denying the complainant’s motions to appoint counsel, do discovery, and obtain certain video footage in that prior case. The complainant requested a restraining order to remove the district judge from the case for bias. The district judge denied the complainant’s motion. The complainant argues that the district judge’s order denying injunctive relief “is a prime . . . example of a federal judge exercising a ‘Black Code.’”

The complainant also alleges that the district judge “with . . . ‘intent and malice’ . . . placed the [complainant] in a ‘false light’” and defamed him by

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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.

mischaracterizing the complainant's amended complaint in a published order permitting certain claims in the amended complaint to proceed and denying all other claims. Specifically, the complainant takes issue with a footnote in the district judge's order characterizing certain allegations in the amended complaint, arguing that was not what the complainant wrote in the amended complaint.

The complainant also challenges the district judge's denial of the complainant's motion for injunctive relief in the second civil action. The complainant's motion sought a court order directing the implementation of certain COVID-19 measures in the correctional facility in which the complainant is housed. The district judge denied the motion, concluding that "the injunctive relief sought . . . is not related to the claims alleged against the unidentified correctional officers." The complainant contends that the district judge's denial of injunctive relief "has caused irreparable injury, irreparable harm, and possibly death."

Finally, the complainant challenges the district court's denial of his motion for default judgment and denial of his motion for reconsideration. The district judge denied the motion for default judgment because the defendant "was not served with summons and did not become a party to this action until she entered a voluntary appearance by filing an answer." The complainant asserts that the district judge "act[ed] as counsel for the defendant" in denying his motions and "exhibit[ed] bias and partiality."

Having reviewed the record,<sup>2</sup> including all complained-of orders and actions by the district judge, I conclude that to the extent that the judicial complaint's allegations challenge the district judges' various orders, they must be dismissed as "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). To the extent the

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<sup>2</sup>See Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(b).

judicial complaint alleges discrimination, bias, and prejudice, the allegations must be dismissed as “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).

Accordingly, the judicial complaint is dismissed.

May 6, 2022



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