

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-21-90041

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

This is a judicial complaint filed by a pro se civil litigant (“complainant”) against the United States district judge who recused from the complaint’s civil rights case against several defendants, including another district judge.

The complainant alleges that the district judge “attempt[ed] to conceal unlawful [d]iscriminations of [two district judges].” According to the complainant, the district judge “resorted to ‘extreme’ misconduct by [s]ubtly appearing to [r]ecuse . . . yet instructing the Cle[rk] of the Court to have [the] [c]ase reassigned to [another district judge].” (First alteration in original.) The complainant maintains that the district judge “suppressed [e]vidence, [i]gnored [e]vidence[,] and used [the] [o]ffice to obtain special treatment for [the district judge whom the complainant sued].” The complainant asserts that the district judge knew that the complainant “mistakenly filed” the case “in the wrong [v]enue” and “willfully and intentionally failed to provide this information to [the complainant],” choosing instead to reassign the case to another district judge. The complainant alleges that the district judge “discriminated against [the] [c]omplainant based on race, ethnicity, sex, [d]isability ([m]ental and [p]hysical)[,] and retaliation for filing [j]udicial [c]omplaints against [the district judge’s] [j]udicial [f]riends.”

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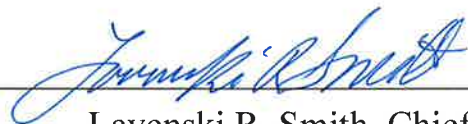
<sup>1</sup>Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the names of the complainant and the judicial officer complained against are to remain confidential, except in special circumstances not here present.

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 complainant filed a civil rights complaint against several defendants, including another district judge. The district judge entered a text entry on the docket stating, “ORDER OF RECUSAL. I recuse in this matter. My friendship with one of the parties—which includes fairly frequent visits and conversations—creates an appearance of impropriety problem that counsels against me sitting on this case. I direct the Clerk to randomly reassign the case.” Another docket entry follows, stating, “NOTICE OF REASSIGNMENT. Based on . . . Order, the Clerk’s office has reassigned the case to [another district judge].”

Having reviewed the record, I conclude that it does not support the complainant’s allegations of discrimination and retaliation; therefore, such 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). The remaining allegations challenge the district judge’s order of recusal; accordingly, 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).

The judicial complaint is dismissed.

October 22, 2021



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