

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-21-90042

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

This is a judicial complaint filed by an inmate (“complainant”) against the United States district judge who has presided over several of the complainant’s civil cases.

The judicial complaint alleges that the district judge has not afforded the complainant “a fair opportunity to litigate . . . against prison officials.” The judicial complaint states that the complainant “filed a ‘[r]ecusal’ against [the district judge,] but [the district judge] denied the motion.”

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 district judge has presided over several cases that the complainant has filed. In one of those cases, the complainant moved to disqualify the district judge. The allegations made in support of disqualification are substantially similar to those made in the judicial complaint. The district judge denied the motion to disqualify, stating:

Plaintiff takes issue with various judicial rulings in [three prior civil cases over which the district court presided]. The Court notes, however, that “[a]n unfavorable judicial ruling . . . does not raise an inference of bias or require the trial judge’s recusal.” *Moran v. Clarke*, 296 F.3d 638

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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.

(8th Cir. 2002) (quoting *Harris v. Missouri*, 960 F.2d 738, 740 (8th Cir. 1992) (alterations in original). Plaintiff fails otherwise in any of the ancillary allegations in [the] motion to establish facts demonstrating a source of bias or prejudice.

(Second and third alterations in original.)

Just as in the recusal motion, the complainant's allegations challenge the district judge's various judicial rulings, including the denial of the recusal motion; 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. Rule 4(b)(1) ("Cognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling, including a failure to recuse"), J.C.U.S. Rule 11(c)(1)(B) ("A complaint may be dismissed in whole or in part to the extent that the chief judge concludes that the complaint . . . is directly related to the merits of a decision or procedural ruling.").

The judicial complaint is dismissed.

October 21, 2021, 2021



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