

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-21-90054

In re Complaint of John Doe¹

This is a judicial complaint filed by a civil litigant (“complainant”) against the United States district judge presiding over the complainant’s case.

The complainant alleges that the district judge erroneously “construe[d] [the complainant’s] [pro se motion to enter evidence] as an additional motion for relief from judgment under Rule 60(b)” and erroneously denied that motion. According to the complainant, the district judge “ignore[d] the following facts” in construing the pro se motion as a Rule 60(b) motion: (1) the “motion disappeared from the courthouse nine (9) months earlier”; (2) the district court’s action “negatively altered the outcome of the lawsuit”; (3) “[t]he defendant withheld evidence”; and (4) “[n]ew evidence exists supporting the [complainant’s] claims.”

The complainant also challenges the district judge’s lack of response “to the [complainant’s] evidence proving multiple motions were intercepted and discarded within the courthouse.” The complainant faults the district judge for “not acknowledg[ing] misconduct or the negative effects of delaying these missing motions caused to the outcome if the lawsuit.” The complainant further claims that the district judge’s failure to “acknowledge these breaches of justice display bias

¹Under 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.

against the [the complainant] and demonstrate that alliances have taken root within the courthouse.”

Having reviewed the record,² including all complained-of orders and actions by the district judge, I conclude that to the extent that the judicial complaints’ allegations challenge the district judge’s decisions, 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 judicial complaints allege that the district judge showed bias, prejudice, or engaged in other improper conduct, the allegations are “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 complaints are dismissed.

May 9, 2022



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

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