

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-21-90076

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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 assigned to the complainant’s civil rights case.

The judicial complaint alleges that the district judge prevented the complainant from obtaining relief and “engaged in . . . abuse, retaliation, deprivation of property[,], . . . a cover[-]up[,], and suppression of communications” related to the civil action.

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 after filing the civil rights case, the complainant filed a pro se motion to withdraw the case. The district judge granted the motion and ordered the action dismissed without prejudice. Despite the dismissal, the complainant continued filing motions in the closed case. First, the complainant filed a pro se motion for discovery, which the district judge denied. Second, the complainant filed a pro se motion for permanent injunction, which the district judge again denied. Third, the complainant filed a pro se motion to reconsider the ruling on the motion for permanent injunction. The district judge denied the reconsideration motion. Finally, the complainant filed a pro se motion for leave to file an amended complaint and motion to change venue. The district judge denied the motions, stating, “Plaintiff

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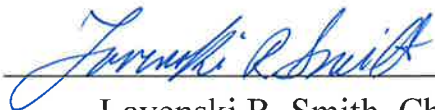
<sup>1</sup>Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the names of the complainant and the judicial officer complained against are to remain confidential, except in special circumstances not here present.

voluntarily dismissed this action on [a date certain]. As a result, the Court will not allow plaintiff to file any additional motions in this closed case. Plaintiff's motions will be denied and he will be barred from filing additional motions in this action."

To the extent that the judicial complaint's allegations challenge orders of the district judge, 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* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rules 4(b)(1), 11(c)(1)(B). To the extent the judicial complaint alleges that the district judge "engaged in . . . abuse, retaliation, deprivation of property[,] . . . a cover[-]up[,] and suppression of communications," 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 complaint is dismissed.

May 24, 2022

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