

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-22-90013  
JCP No. 08-22-90014  
JCP No. 08-22-90015  
JCP No. 08-22-90016

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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 dismissed without prejudice the complainant’s 28 U.S.C. § 2254 petition and the three United States circuit judges who denied the complainant’s application for a certificate of appealability and dismissed the appeal.

The judicial complaint alleges that the district judge and circuit judges violated the complainant’s statutory and constitutional rights.

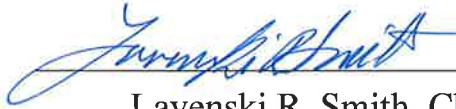
I have reviewed the record. *See* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(b). To the extent that the judicial complaint’s allegations challenge the district judge’s and circuit judges’ orders, they must be dismissed as “directly 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 judicial complaint alleges that the district judge and the circuit judges engaged in other improper conduct, the allegations are “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).

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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.

Accordingly, the judicial complaint is dismissed.

May 25, 2022



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