

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90026

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate (“complainant”) against a United States district judge.

The judicial complaint alleges that the district judge “is violating the complainant’s right to due-process and failing to uphold the law by not granting relief. As of March 11, 2022, it will have been 18 months [the district judge] has not granted relief that is due.” The judicial complaint further alleges that the district judge “has no rational reason why [the district judge] has not granted relief or even ruled on [the] motions.”

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). “Cognizable misconduct . . . does not include . . . an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” J.C.U.S. Rule 3(h)(3)(B). Because the judicial complaint lacks sufficient evidence of improper motive or habitual delay, the delay allegations are dismissed as merits-related. *See* J.C.U.S. Rule 11(c)(1)(B).

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.

Accordingly, the judicial complaint is dismissed.

July 8, 2022

Lavenski R. Smith

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