

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-9529

In re Complaint of John Doe¹

ORDER

This is a judicial complaint filed against the chief judge of this Circuit. The Complainant filed an earlier complaint against a district judge which is pending before the chief judge, alleging that various procedural district court rules and rulings have deprived the Complainant of his or her right to due process and equal protection of the laws, and seeking removal of the district judge from a pending case “for bias, and favoritism, and abuse of authority failure to recuse.” The exhibits attached to that complaint reflect that, over the past ten to twelve years, judges of that district have dismissed actions filed by the Complainant against the President, the Attorney General, and others, because those actions were frivolous, or “described fantastic or delusional scenarios,” or were comprised “of rambling, paranoid, and nonsensical allegations.”

In this complaint, the Complainant alleges the chief judge “with knowledge and intent” did not timely review the prior complaint and issue a decision. This allegation is dismissed because, “Cognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper

¹Under Rule 4(f)(1) of the Eighth Circuit’s Rules Governing Complaints of Judicial Misconduct and Disability, the names of the complainant and the judge complained against are to remain confidential, except in special circumstances not here present.

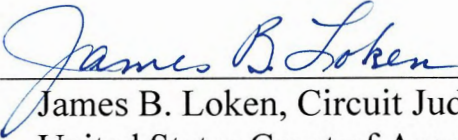
motive.” J.C.U.S. Rule 4(b)(2). The allegation that the chief judge’s delay “constituted honest service fraud” is frivolous.

The complaint further alleges that, after Complainant filed the prior complaint, the district judge “entered an order denying the plaintiff’s civil complaint,” presumably the case referred to in the prior complaint. The Complainant appealed, a panel of this court not including the chief judge affirmed, and the full court denied the Complainant’s petition for rehearing en banc, with the chief judge participating in the en banc review. The complaint alleges the chief judge, having failed to rule on the pending complaint, “was prohibited from sitting as a jurist during the en banc review.” This does not allege cognizable misconduct. The chief judge’s duties in investigating and ruling upon complaints of judicial misconduct and disability under 28 U.S.C. §§ 351-353 are separate and distinct from his judicial duties as a circuit judge under 28 U.S.C. Part I, Chapter 3. It would be “prejudicial to the effective and expeditious administration of the business of the courts,” 28 U.S.C. § 351(a), if a party could disqualify the chief judge from participating in pending litigation simply by filing a judicial complaint that the chief judge must investigate and resolve.

The remaining allegations in the rambling complaint, to the extent I can understand them, are dismissed because they clearly relate to the merits of one or more decisions or procedural rulings.

The complaint is dismissed in its entirety.

April 8, 2022


James B. Loken, Circuit Judge
United States Court of Appeals
for the Eighth Circuit