

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90045

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate (“complainant”) against the United States district judge assigned to the complainant’s civil-rights action.

The judicial complaint and complaint supplement allege that the district judge “over looked [an institution] as a listed defendant,” “gave a “robotic answer to [the complainant’s] case,” and denied the complainant’s civil-rights action “based on [the complainant’s] disability.”

To the extent the judicial complaint’s allegations challenge the district judge’s dismissal of the complainant’s case or denial of the complainant’s motions, 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); J.C.U.S. Rule 3(h)(3)(A) (“Cognizable misconduct . . . does not include . . . an allegation that is directly related to the merits of a decision or procedural ruling. An allegation that calls into question the correctness of a judge’s ruling, including a failure to recuse, without more, is merits-related.”). To the extent that the judicial complaint alleges that the district judge dismissed the case based upon the complainant’s disability, the allegation must be dismissed as speculative and “lacking

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.

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.

July 19, 2022



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