

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP Nos. 08-16-90076 / 08-16-90077 / 08-16-90078 /
08-16-90079 / 08-16-90080 / 08-16-90081 / 08-16-90084

In re Complaints of John Doe¹

These are judicial complaints filed December 19, 2016, by a pro se civil litigant against the United States district judge and the magistrate judge presiding over his civil trial and five United States appeals court judges who participated in several of the complainant's appeals.

The complainant attests the district judge and circuit judges "engaged in sufficient egregious **misconduct** that it is prejudicial to the effective and expeditious administration of the business of the Court or that makes all the Defendant judges unable to discharge their duties of the office by reason of mental disability caused by conflict of interest for self-preservation." According to the complainant, "both courts of appeals and the district court have committed **misconduct** by upholding and thus **aiding and abetting** the **misconduct** first committed by FDA personnel in their violation of numerous rights of" the complainant and "both appellate courts and the district court are out of control and in need of proper real *judicial* and not merely some sort of **administrative** oversight." The complainant contends the judges "committed **misconduct** by upholding the FDA's and DOJ's exceeding the defined, limited, and published venue, personal, and territorial jurisdiction of the United States; . . . the district court's violation of . . . black letter law of the FDCA; . . . the

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 judges complained about are to remain confidential, except in special circumstances not present here.

district court's violation of two Federal Rules of Civil Procedure; . . . the district court's abuse of equity jurisdiction against people; . . . [and] the district court's abuse of injunctive relief against people; and, by failing to sanction the abuse of discretion."

As evidence of the district judge's misconduct, the complainant alleges the district court "knowingly and intentionally den[ied] the [complainant] a trial by jury, due process of law, and enter[ed] a Permanent Injunction that the district court knew, or should have known, was over-broad." The complainant contends the district and appellate judges, along with his own attorney and employees of the Department of Justice and the Food and Drug Administration, conspired to "convey upon the FDA **absolute authority, power and control** (jurisdiction) over **all devices** that can be used by animals or people for healthcare anywhere in *The United States of America*, effectively placing the FDA above the rights of the people." According to the complainant, these actions "forced the [complainant], then an 80 year old man (now 81), into retirement under threat of incarceration for criminal contempt" and "effectively destroyed the [complainant's] lawful livelihood."

The complaints include a "Criminal Complaint" with over thirty counts asserting various judicial misconduct claims (as well as other charges), such as "Denial of the Pursuit of Happiness" and specified constitutional rights, "**improper parties,**" "**fraud upon the court,**" "Inappropriate use of Corporate Case Law," "Inappropriate use of Equity," "Cruel and Unusual Punishment," "Denial of the Right to a Trial by Jury," and "personal **bias** and **prejudice** against the [complainant]" as evidenced by adverse rulings. The complaints charge "that the FDA is knowingly, deliberately, and vindictively attempting to financially ruin [the complainant] . . . **and** have him incarcerated (possibly for the rest of his life) **without a trial by a jury of his peers,**" and that the FDA "committed **misconduct** by **violating several of the [complainant's] rights,** to wit: . . . the *pursuit of happiness*; to fulfill his *obligations*

of contracts; to peaceably assemble; to freedom of speech; . . . [and] to be secure in his person, houses, papers, and effects, against unreasonable searches and seizures.”

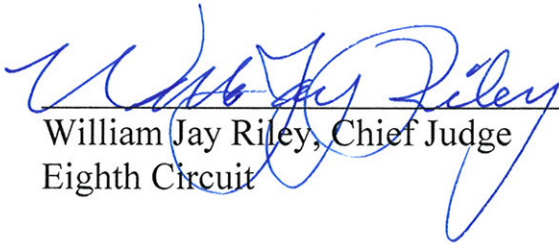
The complainant asks for “an independent investigation, by a truly independent grand jury . . . [that] is necessary to stop the [circuit and district judges and others] from violating and continuing to violate the [complainant’s] rights and stop the criminal acts being perpetrated and perpetuated against the [complainant]” and “requests a preliminary review of the draft of the actual complaint that the Special Prosecutor assigned to prosecute the criminal case comes up with.”

Most of the allegations in the complaints “call[] into question the correctness of a judge’s ruling” and, as such, are merits-related. Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 3(h)(3)(A); see also 28 U.S.C. § 352(b)(1)(A)(ii). The complaints are not the subject of judicial conduct complaints and must be dismissed.

The complaints are also “frivolous, [and] lacking sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(a)(A)(iii); see also J.C.U.S. Rule 11(c)(1)(C), (D). The complainant does not list any facts to support his contention the judges complained about “engaged in sufficient egregious **misconduct** that it is prejudicial to the effective and expeditious administration of the business of the Court.” The allegations in the complaints against FDA employees, DOJ attorneys, and the complainant’s own attorney do not “concern the actions or capacity . . . of judges of United States courts of appeals, judges of United States district courts, judges of United States bankruptcy courts, United States magistrate judges, [or] judges of the courts specified in 28 U.S.C. § 363” and are not covered by the judicial complaint process. J.C.U.S. Rule 4.

The complaints are dismissed.

February 24, 2017



William Jay Riley, Chief Judge
Eighth Circuit