

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-17-90002

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In re Complaint of John Doe<sup>1</sup>

This is a judicial complaint filed September 7, 2016,<sup>2</sup> by a pro se civil litigant against the United States district judge who dismissed the complainant's civil suit.

The complainant asserts he filed a “[c]omplaint in Federal Court concerning mothers [sic] death in nursing home where employee convicted of raping patients” and also alleging various harms against his two children, ages 8 and 10 years old. According to the complainant, he “asked for Discovery” without filing an official motion, and was denied. The complainant contends “3 FEDERAL Judges” gave “rulings, orders,etc.. [sic]” that included “constant lies, misinformation, withholding vital information, denying Civil Rights and cruel treatments causing permante [sic] damages” to the complainant's “Mom.” The complainant argues “[p]erjury in fEderal Court has to be legal, and Judges ruling using perjury is illegal, not truth and justice.”

The complaint must be dismissed because it “is directly related to the merits of a decision or procedural ruling.” Judicial-Conduct and Judicial-Disability

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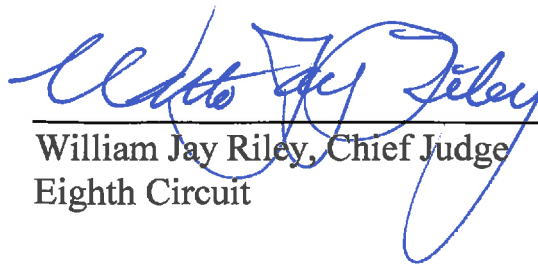
<sup>1</sup>Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the names of the complainant and the judge complained about are to remain confidential, except in special circumstances not present here.

<sup>2</sup>The complainant initially submitted his complaint to the Department of Justice, Office of the Inspector General (DOJ/OIG). The DOJ/OIG forwarded the complaint to the Eighth Circuit on December 20, 2016. The complaint was received by the United States Court of Appeals, Eighth Circuit, on January 3, 2017.

Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(B); accord 28 U.S.C. § 352(b)(1)(A)(ii). “An allegation that calls into question the correctness of a judge’s ruling . . . without more, is merits-related.” J.C.U.S. Rule 3(h)(3)(A). The complainant attacks “rulings, orders, etc.. [sic]” and “calls into question the correctness of a judge’s ruling.” Id. The allegations are not solely merits-related, but are “frivolous [and] lacking sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); see also J.C.U.S. Rule 11(c)(1)(B), (C).

The complaint is dismissed.

March 7, 2017



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William Jay Riley, Chief Judge  
Eighth Circuit