

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP Nos. 08-17-90003 / 08-17-90004

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

These are judicial complaints filed January 3, 2017, by an incarcerated pro se civil litigant against the United States district judge and United States magistrate judge who dismissed several of the complainant's civil suits.

According to the complainant, the judges "have shown a personal interest within [his] case with being continuously biased" and "just outright reject[ing] [his amended complaints]." The complainant asserts the district judge and magistrate judge took "it upon themselves to interfere with [the complainant's] civil actions," "den[ied] [him] the rightful opportunity at being heard," "interfered with [his] claims for relief," and have "been very one-sided for the defendants and not allowing [him] to have the necessary evidence presented to support [his] case." In the complainant's view, the district judge and magistrate judge have "acted both vindictive and prejudicial towards the complainant." The complainant criticizes the fact that this particular district judge and magistrate judge have been assigned to four of his cases and "about twenty" related cases. The complainant argues "it was supposed to be a drawing of ALL district judges and magistrate judges, yet such has not occurred." Because the complainant feels the district judge and magistrate judge "have shown personal and illegal actions with bias toward the complainant's various endeavors

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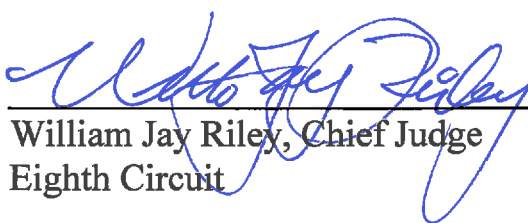
<sup>1</sup>Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the names of the complainant and the judges complained about are to remain confidential, except in special circumstances not present here.

protecting his constitutional rights,” the complainant feels “[t]hese individuals should be removed from the complainant’s cases.”

The complaints must be dismissed because they are “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.) Rule 11(c)(1)(B). The complaints only call into question the correctness of the district and magistrate judges’ rulings regarding the complainant’s multiple complaints, and, as such, are not cognizable misconduct. See J.C.U.S. Rule 3(h)(3)(A). The complaints do allege bias and that the judges are “vindictive and prejudicial towards the complainant,” but “[i]f the decision or ruling is alleged to be the result of an improper motive . . . the complaint is not cognizable to the extent that it attacks the merits.” Id. In addition, the complaints 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)(C), (D).

The complaints are dismissed.

March 8, 2017



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William Jay Riley, Chief Judge  
Eighth Circuit