

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-17-90010/08-17-90011/08-17-90012/08-17-90013

In re Complaints of John Doe¹

These are judicial complaints filed on January 26, 2017, by a pro se civil litigant against one United States magistrate judge and two district court judges who are involved with the complainant's case. The complainant also named one United States district judge with no readily apparent link to the complainant's civil suit.

The complainant filed two actions in federal district court, alleging city police officers conducted an unlawful strip search while executing a search warrant that resulted in the complainant being charged with possession of illegal drugs. The complainant's claim against the city was dismissed after a district judge concluded the complainant failed sufficiently to plead the city had a policy or custom that violated the complainant's constitutional rights. Some of the complainant's other claims survived, however, and are still pending.

The complainant's allegations against the judges stem from this now-consolidated civil action. Specifically, the complainant again suggests local law enforcement has a "longstanding" policy of violating the constitutional rights of "CountLess' helpless defenseless Black, ReD, Yellow, Brown & white Women." The

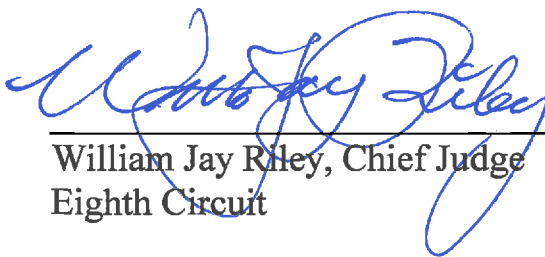
¹Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the names of the complainant and the judges complained about are to remain confidential, except in special circumstances not present here.

complainant contends the listed judges “sit with their thumbS in their collective Asses PretenDing that Policy Don’t Exist.”²

The judicial complaints must be dismissed because the allegations in them 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); see also J.C.U.S. Rule 3(h)(3)(A) (“An allegation that calls into question the correctness of a judge’s ruling . . . without more, is merits-related.”). To the extent the complainant seeks to make a claim against local law enforcement and their alleged policy, the judicial complaint process is not the proper way to do so. See 28 U.S.C. § 351(d)(1); J.C.U.S. Rule 4 (“A complaint under these Rules may concern the actions or capacity only of judges of United States courts of appeals, judges of United States district courts, judges of United States bankruptcy courts, United States magistrate judges, and judges of the courts specified in 28 U.S.C. § 363.”). The complainant’s charges against the magistrate judge and district judges also are “frivolous.” 28 U.S.C. § 352(b)(1)(A)(iii); accord J.C.U.S. Rule 11(c)(1)(C).

The complaint is dismissed.

March 7, 2017



William Jay Riley, Chief Judge
Eighth Circuit

²Prior to filing this judicial complaint the complainant filed a petition for a writ of mandamus in the Eighth Circuit, which included similar allegations against the federal judges. A panel of circuit judges considered and denied the petition.