

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-17-90024

In re Complaint of John Doe¹

This is a judicial complaint filed on March 10, 2017, by a pro se civil litigant against the United States district judge who dismissed the complainant's civil suit against another United States district judge as frivolous and thereafter denied the complainant's motion to reopen the case.

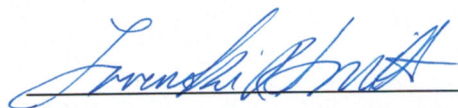
The judicial complaint alleges that the district judge failed to "discharge his duties by constantly allowing prejudicial errors" and questions whether the district judge had "good intentions to be impartial (fair) to both litigants" when the district judge denied the complainant's motion to reopen. According to the judicial complaint, the district judge "demonstrated Conduct Unbecoming/Dereliction of Duty" and should be removed from his case for "engaging in conduct prejudicial to the effective and expeditious administration of the business of the court."

These allegations are directly related to the merits of the district judge's decisions or procedural rulings and are not cognizable in a judicial complaint. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rules 3(h)(3)(A), 11(c)(1)(B). Accordingly, they must be dismissed.

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.

The complaint is dismissed.

July 17, 2017



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