

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-17-90061

JCP No. 08-17-90062

JCP No. 08-17-90063

In re Complaint of John Doe¹

These are judicial complaints filed on July 25, 2017, by a pro se litigant against three United States circuit judges who participated in the complainant's appeal.

According to the judicial complaint, the complainant filed a petition for rehearing (PFR) of the circuit judges' affirmance of the district court's denial of the complainant's § 2254 habeas petition. *See* 28 U.S.C. § 2254. The PFR alleged that a government witness "made false, fraudulent and/or perjurous statements under oath during an evidentiary hearing." The complainant "sincerely believe[s] the . . . judges who opined in the [PFR] ignored all indication as Finders of Fact that false, fraudulent and/or perjurous statements were committed, either intentionally or unintentionally, condoning, allowing fraud in the court to be perpetrated by [the government witness]."

These allegations are directly related to the merits of the respective judges' 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

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.

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.

The complaint is dismissed.

September 8, 2017

A handwritten signature in cursive script, reading "Lavenski R. Smith", written in black ink.

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