

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-17-90066

JCP No. 08-17-90067

JCP No. 08-17-90068

In re Complaint of John Doe¹

This is a judicial complaint filed by a pro se civil litigant against three United States district judges, two of which were assigned to various lawsuits filed by the litigant.

In JCP No. 08-17-90066, the judicial complaint alleges that, in adjudicating the complainant's claims, the district judge (1) violated his oath of office, (2) obstructed government administration, (3) denied due process, (3) brought fraud upon the court, and (4) never served the defendants.

In JCP No. 08-17-90067, the judicial complaint alleges that the complainant informed the district judge about another district judge's failure to serve the defendants, even after the clerk authorized them for service of process. According to the complainant, the district judge did nothing "to stop this violation of due process." The complainant alleges that the district judge "[p]articipated with collusion of omission by willful blindness."

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.

In JCP No. 08-17-90068, the judicial complaint alleges that, in adjudicating the complainant’s claims, the district judge “made judicial errors, displayed impropriety, [and] made or displayed conduct and comments that [the complainant] interpret[ed] to be prejudic[ial].”

With respect to JCP Nos. 08-17-90066 and 08-17-90068, the allegations are directly related to the merits of the district 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 of the Judicial Conference of the United States (J.C.U.S.) Rules 3(h)(3)(A), 11(c)(1)(B). Regarding all the judicial complaints, the allegations must be dismissed because they are “frivolous, [and] lack[] sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); *accord* J.C.U.S. Rule 11(c)(1)(C)–(D). Accordingly, the allegations must be dismissed.

The complaint is dismissed.

September 15, 2017



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