

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

---

JCP No. 08-18-90001

JCP No. 08-18-90002

JCP No. 08-18-90003

JCP No. 08-18-90004

---

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

This is a judicial complaint filed by pro se litigant against the United States district judge who dismissed the litigant's employment-discrimination action and the three United States circuit judges who affirmed the dismissal on appeal.

The judicial complaint alleges that the district judge "did not discuss whether there [were] [p]rocedural due process violation[s], substantive due process violations[,] and abuse of [d]iscretion and conflict of interest" in dismissing the claims. The complaint accuses the district judge of "plac[ing] evidence under seal on a number of occasions for no good reason." According to the complaint, the district judge's decision "was based on erroneous . . . misrepresentation of facts." The complaint alleges that the district judge erroneously entered summary judgment in favor of the defendant and requests that "all appellant[‘s] claims should be [r]einstated for settlement of damages."

The complaint alleges that the three circuit judges "decided a federal question in conflict with applicable decisions of the Court." It also asserts that because the

---

<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 judicial officer complained against are to remain confidential, except in special circumstances not here present.

district judge did not discuss whether a procedural due process violation occurred, the circuit judges did not discuss the issue on appeal. And, because certain matters were placed under seal, the complaint claims that the circuit judges “never gave Appellant opportunity to explain in more details” and “also denied the Appellant[’s] motion to produce more documents.”

The judicial complaint’s allegations are “directly related to the merits of a decision or procedural ruling” and therefore must be dismissed. 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 complaint only calls into question the correctness of the district judge’s and circuit judges’ rulings, and, as such, is not cognizable misconduct. *See* 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.”).

The judicial complaint also alleges that the district judge “showed personal bias, prejudice[,] and lack of fairness and the appearance[] of [i]mpropriety.” These bare, speculative allegations against the district judge must be dismissed because they “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)(D).

The complaint is dismissed.

May 11, 2018



---

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