

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-18-90012

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

This is a judicial complaint filed by an inmate against the United States district judge presiding over the inmate's civil rights action.

First, the judicial complaint alleges that the inmate has "filed 20 motions with [the district judge] that ha[ve] never been addressed, including a writ of mandamus." The inmate alleges that the district judge has not responded to these motions or letters the inmate has sent. These allegations must be dismissed because alleged delay in rendering a decision or ruling in a particular case is not conduct prejudicial to the effective and expeditious administration of the business of the courts within the meaning of 28 U.S.C. § 351(a), the judicial complaint statute. Rather, this type of alleged delay is excused as merits related. *See* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 3(h)(3)(B).

In addition, the judicial complaint alleges that the district judge contravened another district judge's prior order denying the defendants' motion to extend the time to file a motion for summary judgment by subsequently granting the defendants' motion for approval to exceed the page and word limitation for their brief in support of summary judgment. Finally, the judicial complaint alleges that the district judge

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<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.

wrongly denied the inmate's motions for leave to proceed in forma pauperis in two other civil rights actions. 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); J.C.U.S. Rules 3(h)(3)(A), 11(c)(1)(B).

The complaint is dismissed.

May 31, 2018



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