

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-18-90024

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

This is a judicial complaint filed by a pro se inmate against the United States district judge who dismissed the inmate's civil action.

The complainant alleges that the district judge committed treason against the United States, misprision of felony, kidnaping, accessory after the fact, abuse of constitutional powers, white collar crime, and a variety of fraud and schemes. The complainant also alleges that the district judge sought to extort money from the complainant and thus falsified court records by mislabeling the action. The complainant asserts that the district judge became angry at the complainant and ordered the court clerk to "blackball" him from access to the courts and refer all cases involving the complainant to the district judge so that the district judge can dismiss all cases and extort a filing fee from the complainant.

The record reflects that upon filing the civil action, the complainant failed to submit any financial information to the court, pay the filing fee, or seek leave to proceed in forma pauperis. As a result, the district judge ordered that "no later than 30 days from the date of this order, [the complainant] shall either pay the full filing fee or submit proper financial information to the Court in support of an application for leave to proceed in forma pauperis." (Bold omitted.) The district judge also

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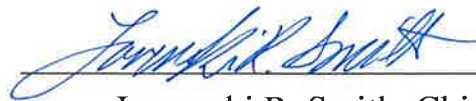
<sup>1</sup>Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the names of the complainant and the judicial officer complained against are to remain confidential, except in special circumstances not here present.

dismissed the complaint, stating that the “dismissal, and any appeal of this order if affirmed as frivolous, will count against [the complainant] for purposes of the three-dismissal rule in 28 U.S.C. § 1915(g).”

The complainant’s allegations against the district judge are “frivolous” and “lack[] sufficient evidence to raise an inference that misconduct has occurred”; accordingly, the allegations must be dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); *accord* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(C),(D). In addition, to the extent the complainant challenges the district judge’s dismissal order, such challenge is “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* J.C.U.S. Rule 11(c)(1)(B); *see also* 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.”). Accordingly, the allegations must be dismissed.

The complaint is dismissed.

June 4<sup>th</sup>, 2018



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