

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-18-90027

In re Complaint of John Doe¹

This is a judicial complaint filed by a pro se litigant against the district judge presiding over the litigant's civil rights action pursuant to 42 U.S.C. § 1983.

The judicial complaint alleges that the district judge “fail[ed] or refus[ed] to notify Plaintiff of service on Defendants” in violation of the law. According to the complainant, the clerk of court informed the complainant that the district judge did not have a time frame for approving a motion for leave to proceed in forma pauperis; instead, it was at the district judge's discretion. The clerk of court then instructed the complainant that if the district judge granted the complainant in forma pauperis status, the court would complete service for and notify the complainant. The complainant alleges that the district judge never provided notification as the clerk of court represented. The “[c]omplainant does not view the acts or omission . . . as those of clerical mistakes or oversight.” The complainant alleges that he has “reason to believe these actions or omissions were a bigger plot jointly, severally and in collusion to deprive [him] due process and equal protection of laws.”

The allegations of judicial misconduct are “frivolous, lacking sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct and Judicial-Disability Proceedings of the

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.

Judicial Conference of the United States (J.C.U.S.) Rules 11(c)(1)(C), (D).
Accordingly, the allegations must be dismissed.

The complaint is dismissed.

May 22, 2018



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