

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-18-90033

JCP No. 08-18-90034

JCP No. 08-17-90035

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

This is a judicial complaint filed by a non-party against three United States circuit judges who affirmed on appeal the adverse grant of summary judgment in a pro se litigant’s employment-discrimination action. The judicial complaint alleges that it is “based on [the circuit judges’] failure to attempt to correct several errors that were part of the original case.”

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 circuit judges’ ruling, 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.”).

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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.

The complaint is dismissed.

May 29, 2018



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