

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-18-90050

In re Complaint of John Doe¹

This is a judicial complaint filed by a pro se plaintiff against the United States district judge who dismissed with prejudice the plaintiff's Title VII race discrimination and retaliation claims. The judicial complaint alleges that the district judge was racially biased against the plaintiff. Specifically, the judicial complaint alleges that the district judge showed racial bias by (1) denying the plaintiff's three motions for appointment of counsel; (2) making excuses for the defendant at a motions hearing; (3) treating the facts and relevant evidence that the plaintiff filed and presented differently from the defendant's evidence by, for example, not making the plaintiff's exhibits viewable to the public in the electronic court filing system; and (4) making misstatements or misinterpretations of the facts in his order granting the defendant's motion for summary judgment.

The judicial complaint's allegations of racial bias against the district judge "lack[] sufficient evidence to raise an inference that misconduct has occurred." 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)(D). In addition, 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).

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.

The complaint is dismissed.

August 20th, 2018



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