

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-18-90056

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

This is a judicial complaint filed by a pro se civil plaintiff against the United States district judge who dismissed the plaintiff's civil lawsuit. In dismissing the plaintiff's lawsuit, the district judge noted that it could not "readily ascertain most of [the plaintiff's] claims" and dismissed them without prejudice as "the only possible appropriate sanction." The district judge dismissed the plaintiff's challenge to a state child support award with prejudice.

The judicial complaint alleges that on the order dismissing the civil action, the wrong case numbers appear and "have changed . . . in an uncertain attempt to cause unnecessary action or delay." The complainant "highly doubt[s] it is a clerical error." The judicial complaint also alleges that the district judge (1) has made "many inaccurate findings" that are "unfair and bias[ed]" against the complainant, (2) "is a collusionist under judicial privacy law," (3) "is impartial," (4) "cause[s] ongoing delays," and (5) engages in "unfair case discussion."

The complainant's bare, speculative allegations are "frivolous, lacking 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)(C)-(D). To the

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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.

extent the judicial complaint challenges the district court’s dismissal order, 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* 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.

October 1st, 2018



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