

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-18-90073

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

This is a judicial complaint filed by a pro se civil litigant against the United States district judges who dismissed the litigant's civil rights action after determining that the action was frivolous, failed to state a claim on which relief may be granted, was malicious, and was time-barred. *See* 28 U.S.C. § 1915(e)(2)(B). The judicial complaint alleges that the district judge violated the litigant's constitutional rights by dismissing the complaint for failure to state a claim.

The judicial complaint's allegation 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* 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 calls into question the correctness of the district judge's order dismissing the litigant's civil rights action. *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.

December 19<sup>th</sup> 2018



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