

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-18-90074
JCP No. 08-18-90075
JCP No. 08-18-90076
JCP No. 08-18-90077
JCP No. 08-18-90078

In re Complaint of John Doe¹

This is a judicial complaint filed by a pro se inmate against three United States circuit judges, a United States district judge, and a United States magistrate judge. In the civil rights action, the inmate alleged that he was improperly disciplined for failing to provide a urine sample while detained at the Federal Medical Center (FMC) and that FMC employees “tortured” him by placing him in a segregated housing unit for six days. The magistrate judge recommended that the district judge grant summary judgment in favor of the defendants on the inmate’s civil rights claim based on sovereign immunity. The district court adopted the magistrate judge’s report and recommendation and dismissed the complaint. On appeal, the circuit judges affirmed the district court’s judgment.

The judicial complaint provides that the inmate is unable to identify whether court employees or the Federal Medical Center is at fault in refusing “to recognize a [f]ederal [g]overnment [f]raud in a [f]alse [i]mprisonment situation.” The complaint requests that the Eighth Circuit “make certain that it is not allowing the [Federal

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.

Medical Center] to play with the processing of [the] court[‘s] LEGAL SERVICES.”

The judicial complaint’s allegation concerning the inmate’s alleged false imprisonment at the FMC 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); *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 allegation must be dismissed.

The complaint is dismissed.

December 18, 2018

A handwritten signature in cursive script, reading "Lavenski R. Smith", is written above a horizontal line.

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