

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-18-90097

In re Complaint of John Doe¹

This is a judicial complaint by a pro se inmate against the United States district judge who denied the inmate's motions to compel discovery and motions for an evidentiary hearing and dismissed the inmate's petition for writ of habeas corpus as untimely.

The judicial complaint alleges that district judge negligently failed to order the defendant to answer the petition. It also alleges that the district judge negligently denied the motions to compel discovery. According to the judicial complaint, these allegedly negligent actions prejudiced the inmate, resulting in the inmate's continued incarceration.

These allegations directly related to the merits of the judge's decisions or procedural rulings and are not cognizable in a judicial complaint. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (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.

December 18, 2018



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