

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-18-90099

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate against the United States district judge who dismissed the inmate’s civil rights action based upon a magistrate judge’s report and recommendation.² The judicial complaint alleges that the district judge “wrongfully dismissed” his civil rights action “in violation of 28 U.S.C. § 1915(g), this Circuit’s stare decisis, and the First, Fifth . . . , and Eighth Amendments.” The judicial complaint asserts that the district judge’s “misconduct” resulted in “years of delay” and the inmate “fil[ing] additional court actions to protect [his] life.”

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* 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 inmate’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.”).

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.

²The magistrate judge named in the judicial complaint is now retired.

The complaint is dismissed.

December 19th, 2018



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