

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-18-90102

In re Complaint of John Doe¹

This is a judicial complaint filed by a pro se inmate against the United States district judge who dismissed the inmate's civil rights action.

The judicial complaint alleges that inmate "presented ample evidence and/or evidence credible enough" to prove the inmate's claims. It contends that the district judge "should've rejected [the defendant's] request for qualified immunity until [the inmate] had a chance to submit interrogatory questions to [the defendant]." Furthermore, the judicial complaint alleges that the district judge "denied [the inmate] justice . . . by refusing to allow [the inmate] to re-file a [§] 1983 action on [the defendant]." Finally, the judicial complaint maintains that "the district court granted qualified immunity to [the defendants] in ethical error."

The allegations are 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.

January 10, 2019



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