

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-18-90103

In re Complaint of John Doe¹

This is a judicial complaint filed by a pro se civil litigant against the United States district judge who dismissed the litigant's civil rights action as legally frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B).

The judicial complaint alleges that the litigant was denied "due process of law" and "the Equal Protection of the laws." The judicial complaint does not identify any specific conduct of the district judge that resulted in this alleged denial of the litigant's rights; instead, the judicial complaint sets forth three state-law cases and one federal case and their supposed holdings.

The judicial complaint against the district judge is "frivolous, lacking sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii); *accord* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(C)-(D). To the extent the judicial complaint's allegations challenge the district judge's dismissal order, 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); 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

A handwritten signature in black ink, appearing to read "Lavenski R. Smith", is written over a horizontal line.

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