

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-19-90002

In re Complaint of John Doe¹

This is a judicial complaint filed by a pro se inmate against the chief circuit judge. The complainant has filed four previous judicial misconduct complaints, all of which were dismissed by the chief judge. After the chief judge dismissed the last complaint, which was directed against seven different federal judges, the complainant filed this complaint against the chief judge. The complaint was referred to the undersigned, as the most senior circuit judge in regular active service who is not disqualified.

The judicial complaint demands a “Preliminary Investigation for helping fellow judges use laws illegally as an instrument to break federal laws, to help by accessory after the fact to kidnap a human being by ignoring Congress Written Laws and Rules of the Court.” The complaint alleges that the complainant was “illegally drugged by a judge and prosecution” in 2002 in connection with a prosecution in state court. The complainant asserts that he now realizes what the State did to him in 2002 and is fighting for his rights. He alleges that the chief judge has said that the complainant has no constitutional rights, and further asserts that the chief judge is helping other judges to “cover up a Class A felony crime of first degree kidnapping” of the complainant by wrongful conviction.

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.

One of the previous judicial complaints involved allegations against a United States District Judge who dismissed the complainant's civil rights lawsuit alleging improper state convictions in 2002. In an order filed August 30, 2017, the chief judge recounted that the district judge dismissed the civil rights action based on two grounds: the statute of limitations and the complainant's failure to allege that his convictions had been overturned. The chief judge dismissed the judicial misconduct complaint against the district judge on the grounds that the allegations were directly related to the merits of the judge's decision, frivolous, and unsupported by sufficient evidence to raise an inference that misconduct had occurred.

Insofar as the present judicial complaint challenges the correctness of the chief judge's determinations to dismiss the complainant's prior judicial misconduct complaints, the allegations are related to the merits of a decision, and thus do not allege cognizable misconduct. Judicial Conference of the United States, Rules for Judicial-Conduct and Judicial-Disability Proceedings, Rule 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(a)(ii). Any allegations in the complaint that are not related to chief judge's prior rulings are "frivolous" or "based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred." J.C.U.S. Rule 11(c)(1)(C), (D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

Accordingly, the complaint is dismissed.

June 3, 2019



Steven M. Colloton, Circuit Judge
United States Court of Appeals
for the Eighth Circuit