

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-19-90008

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In re Complaint of John Doe¹

This is a judicial complaint by a pro se litigant against the United States magistrate judge who recommended the dismissal of the litigant's § 1983 action and the district judge who adopted the magistrate judge's recommendation and dismissed the § 1983 with prejudice.

The judicial complaint alleges that the magistrate judge's report and recommendation to the district judge "skew[ed] the facts to [the judge's] liking[;] ignor[ed] the facts of what actually took place[;] ignor[ed] legal precedent[;] and arriv[ed] at erroneous conclusions, based on erroneous assumptions, apparently in violation of [the magistrate judge's] oath of office." The judicial complaint alleges that the district judge erroneously adopted the magistrate judge's report and recommendation "without explaining how or why [the district judge] decided to along with any of [the magistrate judge's] questionable logic."

These allegations are "directly related to the merits of a decision or procedural ruling" 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.

March 14, 2019



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