

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-19-90011

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In re Complaint of John Doe<sup>1</sup>

This is a judicial complaint by a pro se litigant against the United States district judge who dismissed the litigant's complaint without prejudice. The judicial complaint alleges that, in dismissing the complaint, the district judge "inappropriately resolved the genuine issues of disputed facts," "applied erroneous legal conclusions," made "false statements" in the dismissal order, ignored Supreme Court precedent, showed bias against the litigant based on the judge's "employment relationship" with the United States, "gave no consideration or weight to the [in] forma pauperis" status of the litigant, and showed deliberate indifference in not considering the litigant's medical condition in its dismissal order.

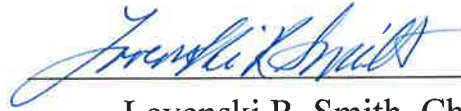
These allegations are "directly related to the merits of a decision or procedural ruling" and are not cognizable in a judicial complaint. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rules 3(h)(3)(A), 11(c)(1)(B). To the extent the judicial complaint alleges that the district judge was biased against the litigant, such allegation is "frivolous, lacking sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii); *accord* J.C.U.S. Rule 11(c)(1)(C)-(D). Accordingly, the allegations must be dismissed.

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<sup>1</sup>Under 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



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