

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-19-90028

In re Complaint of John Doe¹

This is a judicial complaint filed by a pro se civil litigant against the United States magistrate judge who recommended that the district judge dismiss the litigant's complaint with prejudice.

The judicial complaint alleges that the magistrate judge "denied" the complainant's case without explanation and "fals[ified] documents to get [the complainant] out of the way" because the magistrate judge is "buddies" with one of the defendants. While the complainant represents that evidence exists to support the allegations, no such evidence is appended to the judicial complaint.

The record shows that the magistrate judge recommended that the district judge grant the defendants' motions to dismiss and dismiss the lawsuit with prejudice because the complainant's claims against the defendants "fail[ed] for multiple reasons." Specifically, the magistrate judge concluded that the complainant's claims were "barred under the *Rooker-Feldman* [doctrine,] and [state law] strip[ped] th[e] [c]ourt of jurisdiction to award the [requested] compensatory relief." The magistrate judge additionally concluded that quasi-judicial immunity and Eleventh Amendment immunity barred claims against one of the defendants. Finally, the magistrate judge determined that the complainant "fail[ed] to state a plausible, legally cognizable claim

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.

against [the defendants].” The complainant did not object to the magistrate judge’s report and recommendation, and the district judge adopted it, dismissing the lawsuit with prejudice. Following the entry of judgment, the complainant sent a letter to the magistrate judge, indicating that the complainant was “still waiting for the answer” about his lawsuit. The complainant stated that if the magistrate judge did “not want to cooperate,” then the complainant would “have to file a complaint.” This judicial complaint followed.

Contrary to the complainant’s allegations, the record shows that the magistrate judge provided a detailed explanation in recommending the dismissal of the complainant’s lawsuit. Thus, the allegation is frivolous. *See* 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). Furthermore, the allegation that the magistrate judge “denied” the complainant’s lawsuit without explanation is directly related to the merits of the magistrate judge’s decision and not cognizable in a judicial complaint. *See* 28 U.S.C. § 352(b)(1)(A)(ii); J.C.U.S. Rules 4(b)(1), 11(c)(1)(B). To the extent the judicial complaint alleges that the magistrate judge “fals[ified] documents to get [the complainant] out of the way” because the magistrate judge is “buddies” with one of the defendants, such allegation is “frivolous [and] lack[s] 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.

July 29, 2019



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