

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-19-90029

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

This is a judicial complaint filed by a pro se prisoner against the United States district judge who prohibited the prisoner from filing any further pleadings.

The complainant filed a request for documents and motion to amend the court's order denying the complainant's motion for reconsideration of an order denying the complainant's request for documents. In denying the complainant's request for documents and motion to amend, the district judge noted that "the Court and the Government have expended a considerable amount of time and resources responding to [the complainant's] incessant motions." As a result, the district judge "ORDERED that [the complainant] is prohibited from filing any further pleadings in this case unless related to an appeal."

The judicial complaint alleges that the district judge's "failure and/or outright refusal to provide . . . *any* notice prior to the issuance of the pre-filing injunction along with a[n] opportunity to respond constitutes conduct prejudicial to the effective and expeditious administration of the business of the courts" and "equates to treating [the complainant] in a demonstrably hostile manner."

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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.

These allegations, which concern the district judge's order prohibiting the complainant from filing any further pleadings in the case, are directly related to the merits of the district judge's decisions or procedural rulings 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 4(b)(1), 11(c)(1)(B).

Accordingly, the allegations must be dismissed.

August 15, 2019



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