

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

---

JCP No. 08-19-90043

---

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

This is a judicial complaint filed by a party in a multidistrict litigation case against the United States district judge presiding over the case.

The judicial complaint alleges that the district judge “failed to give timely notice and a chance to approve [the complainant’s] fair share.” It also alleges that the district judge was “not . . . honest in [the] case and threatened to cut [the complainant] out of th[e] case unless [the complainant] agreed to accept a fictitious claim.” While the complainant claims to have “proof” of this alleged threat, no such proof is attached to the judicial complaint.

To the extent the allegations challenge the district judge’s orders in the multidistrict litigation action, the allegations are directly related to the merits of the judge’s decisions 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). To the extent the judicial complaint alleges that district judge threatened the complainant and was dishonest, such allegations are “frivolous [and] lack[] 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.

---

<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.

October 28<sup>th</sup>, 2019



---

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