

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-20-90019

In re Complaint of John Doe¹

This is a judicial complaint filed by the complainant against the United States district judge who dismissed without prejudice the complainant’s civil rights action against certain state court judges. The district judge *sua sponte* dismissed the action for failure to state a claim because the “complaint allege[d] simply ‘civil rights’ and ‘corruption.’”

The judicial complaint names the district judge, but it also names the state court judges in the civil rights action. Written on the judicial complaint are the words “Civil Rights, Entrapment, Corruption,” “harassed,” and “tried several courts dates.” The judicial complaint does not elaborate further on the allegations against the district judge.

The Judicial Conduct and Disability Act, 28 U.S.C. §§ 351–364, “is limited to judges of United States courts of appeals, judges of United States district courts, judges of United States bankruptcy courts, United States magistrate judges, and judges of the courts specified in 28 U.S.C. § 363.” Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 1(b). Thus, the Act and governing rules are inapplicable to the state court judges named in the judicial complaint.

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.

To the extent that the judicial complaint's allegations are directed against the district judge, they "lack[] sufficient evidence to raise an inference that misconduct has occurred or that a disability exists." J.C.U.S. Rule 11(c)(1)(C).

The complaint is dismissed.

5/28/2020, 2020

A handwritten signature in blue ink, reading "Lavenski R. Smith", is written above a horizontal line.

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