

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-21-90020

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate (“complainant”) against the United States district judge who was previously assigned to the complainant’s petition for writ of mandamus under 28 U.S.C. § 1361 (“petition”). The complainant alleges that the district judge “always lies, “extort[s] rights,” and “aid[ed] a false unconstitutional arrest and . . . kidnap[ing] [of the complainant].”

I have reviewed the record. *See* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(b). The record shows that after the complainant filed the petition, the complainant then moved for the district judge’s recusal. The district judge subsequently entered an order of recusal. The case was reassigned to another district judge, and the petition was dismissed with prejudice.

The judicial complaint is devoid of any evidence to substantiate the complainant’s claims that the district judge lied, extorted the complainant’s rights, or assisted in an alleged unconstitutional arrest of the complainant. Therefore, the allegations must be dismissed as “frivolous [and] 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).

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.

The judicial complaint is dismissed.

August 16, _____, 2021

A handwritten signature in blue ink, appearing to read "Lavenski R. Smith", written over a horizontal line.

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