

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-21-90035

In re Complaint of John Doe¹

ORDER

This is a judicial complaint filed against a district judge to whom a pending case had been assigned, alleging that various procedural district court rules and rulings deprived the Complainant of his or her right to due process and equal protection of the laws, and seeking removal of the district judge from the case “for bias, and favoritism, and abuse of authority failure to recuse.” With this complaint pending before the chief judge, the Complainant filed a second judicial complaint against the chief judge alleging that he “with knowledge and intent” did not timely review this complaint and issue a decision.

The second complaint was referred to me as the next most senior circuit judge for review and appropriate action. Last month, I issued a decision dismissing the second complaint because “[c]ognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive,” J.C.U.S. Rule 4(b)(2), and the allegation that the chief judge’s

¹Under Rule 4(f)(1) of the Eighth Circuit’s Rules Governing Complaints of Judicial Misconduct and Disability, the names of the complainant and the judge complained against are to remain confidential, except in special circumstances not here present.

delay “constituted honest service fraud” was frivolous. “It would be ‘prejudicial to the effective and expeditious administration of the business of the courts,’ 28 U.S.C. § 351(a), if a party could disqualify the chief judge from participating in pending litigation simply by filing a judicial complaint that the chief judge must investigate and resolve.” JCP No. 08-22-9529 (8th Cir. Jud. Council May 12, 2022). After that decision, the Judicial Council referred this complaint to me for appropriate action.

Exhibits attached to the complaint reflect that, over the past ten to twelve years, judges of that district have dismissed actions filed by the Complainant against the President, the Attorney General, and others, because those actions were frivolous, or “described fantastic or delusional scenarios,” or were comprised “of rambling, paranoid, and nonsensical allegations.” For relief, the complaint seeks “removal of [the] district Judge” and “appointment of a master.” The record reflects that, after the Complainant filed this complaint, the district court entered an order denying the civil complaint, and the Complainant appealed. A panel of this court affirmed, and the full court denied the Complainant’s petition for rehearing en banc. Accordingly, the complaint must be dismissed because an intervening event has made the relief he or she seeks moot. See 28 U.S.C. § 352(b)(2); J.C.U.S. Rule 11(e). In addition, I note that the judicial complaint procedure “may not be used to have a judge disqualified from sitting on a particular case.” Rule 1(e) of the Eighth Circuit Rules Governing Complaints of Judicial Misconduct and Disability.

If the complaint were not moot, its rambling allegations, to the extent I can understand them, clearly relate to the merits of decisions or procedural rulings by at least eight district court judges in multiple lawsuits. The unsupported allegations are accompanied by conclusory allegations of judicial conspiracy -- to deprive the

Complainant of due process, deny privileges and immunities, disregard defendants' Rule 55 defaults, and allow a time-barred removal.

Accordingly, the complaint is dismissed in its entirety.

June 15, 2022


James B. Loken, Circuit Judge
United States Court of Appeals
for the Eighth Circuit