

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-21-90053

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate (“complainant”) against the United States district judge who denied the complainant’s “Motion to Enforce the Judgment” and “Motion to Amend the Judgment” and dismissed the complainant’s case.

The judicial complaint alleges that the district judge “improperly changed [the motion to enforce the judgment] into a brand new writ of mandamus and attempted to charge [the complainant] additional filing fees for a case that has already been decided.” The judicial complaint states that the district judge prejudiced the complainant “by recharacterizing [the] habeas corpus to a mandamus [and] attempt[ing] to force [the complainant] to pay another filing fee of \$350 after having already paid the appropriate habeas corpus filing fee and then another filing fee of \$500 for appealing to the Circuit Court.” Additionally, it alleges that the district judge prejudiced the complainant by depriving the complainant of “a right to the judgment already issued,” subjecting the complainant to “new standards and procedures of a mandamus case,” and “delaying the action of enforcement.” The judicial complaint also challenges the district judge’s reliance certain legal authority and the district judge’s reasoning.

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.

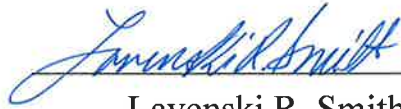
I have reviewed the record. *See* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(b). The complainant filed a pro se pleading entitled “Motion to Enforce the Judgment.” In that motion, the complainant referred to a prior habeas corpus case filed pursuant to 28 U.S.C. § 2241. The motion also stated that the complainant sought relief under the All Writs Act. The district judge declined to reopen the § 2241 case, which “has been closed and undisturbed for over 40 years.” The district judge determined that for the complainant to proceed under the All Writs Act, the complainant must “either pay a \$350.00 filing fee or file a motion for leave to proceed *in forma pauperis*.” The district judge cited legal authority in support of its conclusion. The district judge ordered that the complainant pay the filing fee or file an *in forma pauperis* motion by a certain deadline.

The complainant then filed a “Motion to Amend the Judgment.” In that motion, the complainant reasserted that the district judge should reopen the § 2241 case. The district judge declined to do so, again citing legal authority. The district judge denied the “Motion to Enforce the Judgment” and “Motion to Amend the Judgment” and dismissed the case.

The complainant’s allegations challenge the reasoning of the district judge’s rulings on both motions; accordingly, they must be dismissed as “directly related to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); *accord* J.C.U.S. Rules 4(b)(1), 11(c)(1)(B).

The judicial complaint is dismissed.

October 21, 2021



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