

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-21-90066

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate (“complainant”) against the United States magistrate judge assigned to the complainant’s civil rights action.

The judicial complaint alleges that the magistrate judge “failed to liberally construe” the civil rights complaint. The judicial complaint also challenges the magistrate judge’s denial of the complainant’s motions for appointment of counsel. It further challenges the magistrate judge’s denial of the complainant’s motion to revoke medical disclosure authorization. According to the complainant, the denial “forced [the complainant] to disclose unwanted and unnecessary medical information against [the complainant’s] will.” Additionally, the judicial complaint deems “unjust” the magistrate judge’s grant of the defendants’ motion to stay discovery. The complainant asserts that “justice has not been administered in a just and speedy fashion.”

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 the magistrate judge entered an order permitting the complainant to proceed with certain claims after screening the complainant’s civil rights complaint. The magistrate judge denied the complainant’s motions for

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.

appointment of counsel after “weigh[ing] and consider[ing]” certain factors. The magistrate judge denied the complainant’s motion to revoke medical disclosure authorization because the complainant

has no right to protect the disclosure of medical information or treatment related to [the complainant’s] care and treatment inside the [prison], as that information is relevant and necessary to be communicated between medical providers and prison officials, including guards, to ensure constitutionally adequate care is provided to him during . . . confinement.

The magistrate judge granted the defendants’ motion to stay discovery. The magistrate judge stayed discovery until “[a]fter the exhaustion issues are resolved.”

To the extent that the judicial complaint’s allegations challenge orders of the magistrate judge, 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). To the extent the judicial complaint alleges delay in the case, the allegation does not constitute cognizable misconduct. *See* J.C.U.S. Rule 4(b)(2) (“Cognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.”).

Accordingly, the judicial complaint is dismissed.

May 14, 2022



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