

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

---

JCP No. 08-21-90074

JCP No. 08-22-90025

---

In re Complaint of John Doe<sup>1</sup>

This is a judicial complaint filed by a pro se civil litigant (“complainant”) against the United States district judge assigned to the complainant’s housing discrimination action.

The judicial complaint alleges that the district judge (1) “[k]nowingly [t]r[ie]d [to] [h]ave [the complainant] [a]rrested retrieving [the complainant’s] [p]roperty,” (2) “[r]etaliated” against the complainant by “cancel[ing] [the] hearing” on the complainant’s motion for temporary restraining order (TRO); (3) has provided no hearing date; (4) is engaged in a “[c]hild [a]buse [c]over up” of the complainant’s son’s child abuse; and (5) is biased against 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 the complainant moved for a TRO. One day later, the district judge entered a text order providing:

Defendants may file a response memorandum to [the complainant’s] motion for a [TRO] no later than [a date certain]. After Defendants have filed a response memorandum of law, the [c]ourt will take [the

---

<sup>1</sup>Under 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.

complainant's] motion for a [TRO], as well as [d]efendants' motions to dismiss, under advisement on the written submission. The [scheduled] hearing [on the TRO] is CANCELLED.

Six months later, after the responsive memorandums were filed, the district judge entered an order denying the complainant's motion because the complainant "has not demonstrated a likelihood of success on the merits." In the same order, the district judge denied the complainant's motion to disqualify and granted the defendant's motion to dismiss the complainant's underlying complaint with prejudice.

To the extent that the judicial complaint's allegations challenge orders of the district 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* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rules 4(b)(1), 11(c)(1)(B). To the extent the judicial complaint alleges delay in rendering decisions, "[c]ognizable 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." J.C.U.S. Rule 4(b)(2). Here, there is no evidence presented of "improper motive" or "habitual delay in a significant number of unrelated cases." *See id.* To the extent the judicial complaint alleges that the district judge engaged in a cover up, retaliated against the complainant, was biased against the complainant, or engaged in other improper conduct, the allegations are "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).

Accordingly, the judicial complaint is dismissed.

May 23, 2022



---

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