

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

---

JCP No. 08-22-90002

---

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

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

First, the judicial complaint alleges that the district judge “denigrated and bad-mouthed [the complainant’s] [civil] complaint as unbelievable and beyond the pale from the very beginning of the Case Management Hearing (telephone conference) and demanded . . . defense counsel . . . to tell him that the [defendants] acted in ignorance.” According to the complainant, the district judge “clearly favored the defense and disparaged [the civil] complaint” and made “snide[,] derogatory, and insulting remarks (without any facts to back them) in [a] Memorandum Opinion and Order.” Second, the judicial complaint alleges that the district judge “changed . . . recorded *actual* statements of [the complainant’s] wife in [a] video *to make it seem* that the [defendants] were mostly truthful in [the] Memorandum Opinion.” Third, in addition to “chang[ing] video-recorded statements,” the complainant maintains that the district judge “also ignored other evidence repeatedly put before [the district judge].” Fourth, the complainant maintains that the district judge “should . . . have held [the defendants] accountable” based on the evidence. The complainant concludes that the district judge erroneously denied the complainant’s recusal motion.

---

<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.

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). To the extent that the judicial complaint’s allegations challenge the district judge’s orders, 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); J.C.U.S. Rule 3(h)(3)(A) (“Cognizable misconduct . . . does not include . . . an allegation that is directly related to the merits of a decision or procedural ruling. An allegation that calls into question the correctness of a judge’s ruling, including a failure to recuse, without more, is merits-related.”). A judicial complaint is not an alternative to an appeal of the judge’s decision. To the extent the judicial complaint alleges that the district judge is biased 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)(D).

Accordingly, the judicial complaint is dismissed.

May 24<sup>th</sup>, 2022



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