

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90004
JCP No. 08-22-90005
JCP No. 08-22-90006
JCP No. 08-22-90007
JCP No. 08-22-90008

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate (“complainant”) against the United States district judge and United States magistrate judge assigned to the complainant’s petition for writ of habeas corpus and the three United States circuit judges who dismissed the complainant’s appeal for lack of jurisdiction.

The judicial complaint states that the magistrate judge issued a report and recommendation to dismiss the complainant’s petition, the district judge adopted the magistrate judge’s report and recommendation and dismissed the petition, and the circuit judges dismissed the appeal for lack of jurisdiction. According to the complainant, these “judges, [i]n a way showing deliberate and obstinate desire, incite insurrection against the U.S. Government” and “have committed treason in the forum of the U.S. Federal Government, as officials.”

To the extent that the judicial complaint’s allegations challenge orders of the magistrate judge, district judge, and circuit judges, they must be dismissed as “directly related to the merits of a decision or procedural ruling.” 28 U.S.C.

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.

§ 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 that the judges “incite[d] insurrection” and “committed treason,” the allegations are “frivolous” and “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 24, 2022



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