

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-22-90011

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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 who dismissed the complainant’s case.

The judicial complaint alleges that the district judge (1) “failed to file with [an] order the ‘conclusions of law’ to support the ruling and order”; (2) “interfer[ed] without legal judicial authority and caus[ed] to be dismissed . . . the [complainant’s] . . . lawsuit”; (3) is “bias[ed]” because the state is a defendant and is the district judge’s “employer, which would create a conflict of interest”; and (4) “illegally took jurisdiction in an effort to provide an unfair advantage” to the defendant. According to the complainant, consent was never given for the district judge to preside over the civil case.

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). To the extent the judicial complaint alleges that the district judge has a conflict of interest, is biased, or engaged in other improper conduct, the allegations


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<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.

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



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