

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90018

JCP No. 08-22-90019

JCP No. 08-22-90020

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate (“complainant”) against the three United States circuit judges who summarily affirmed the district court’s dismissal of the complainant’s 28 U.S.C. § 2254 petition for failure to prosecute. The judicial complaint alleges that the circuit judges violated the complainant’s constitutional rights and failed to uphold Supreme Court mandates.

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 circuit judges’ 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 circuit judges engaged in other improper conduct, 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).

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.

Accordingly, the judicial complaint is dismissed.

May 25, 2022



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