

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-22-90021

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

This is a judicial complaint filed by an inmate (“complainant”) against the United States district judge who dismissed the complainant’s 42 U.S.C. § 1983 action and subsequently denied the complainant’s motion for recusal.

The judicial complaint alleges that in dismissing the § 1983 action, the district judge made legal and factual errors, including a determination that the action was not filed within the required statutory period. The judicial complaint further alleges that the complainant filed a motion to recuse the district judge based on the two-year statute-of-limitations ruling.

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 district judge dismissed the § 1983 action “pursuant to 28 U.S.C. 1915A(b)(1) and/or 28 U.S.C. § 1915(e)(2)(B).” In the dismissal order, the district judge concluded that “the applicable statute of limitations bars the plaintiff’s claims.” In denying the complainant’s recusal motion, the district judge explained, “The undersigned’s rulings, which were made in the course of judicial proceedings, are not a proper basis to recuse.”

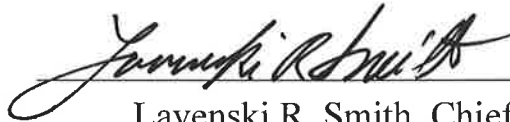
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<sup>1</sup>Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the names of the complainant and the judicial officer complained against are to remain confidential, except in special circumstances not here present.

The judicial complaint's allegations challenge the district judge's orders and statute-of-limitations ruling; therefore, 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), 3(h)(3)(A).

Accordingly, the judicial complaint is dismissed.

May 25, 2022



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