

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-22-90027

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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 civil-rights action.

The judicial complaint alleges that the “[t]rouble” with the order is the district judge’s dismissal of the action “for [the complainant’s] failure to state a claim upon which relief may be granted” and “caution[] that, if [the complainant] files an appeal, he will be obligated to pay appellate filing fees of \$505.00.”

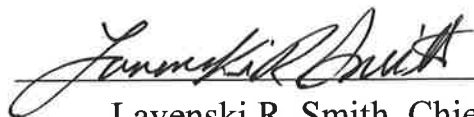
The judicial complaint’s allegations challenge the district judge’s dismissal order; therefore, they must be dismissed as “directly related to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); *accord* J.C.U.S. Rules 4(b)(1), 11(c)(1)(B); J.C.U.S. Rule 3(h)(3)(A) (“Cognizable 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.

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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.

Accordingly, the judicial complaint is dismissed.

July 8, 2022

A handwritten signature in cursive script, appearing to read "Lavenski R. Smith", written over a horizontal line.

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