

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90037

JCP No. 08-22-90047

JCP No. 08-22-90048

JCP No. 08-22-90049

JCP No. 08-22-90050

JCP No. 08-22-90051

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate (“complainant”) against a United States circuit judge, four United States district judge, and a United States bankruptcy judge.

The judicial complaint alleges that the circuit judge, three of the district judges, and the bankruptcy judge dismissed the complainant’s complaint and thereby “depriv[ed] [the complainant] based on his color and race [of] equal protection.” Specifically, the judicial complaint provides that “[w]hen those judges dismissed the complaint they allowed a void judgment[] to remain valid for four (4) years, thus denying [c]omplainant of equal protection.” The judicial complaint further states that the fourth district judge “is bound by the decision of [a state supreme court].” The judicial complaint alleges that the “[f]ederal [j]udges are aware” of the state’s concession “in a habeas corpus proceeding [of] two (2) jurisdictional defects.”

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.

I have reviewed the record of the federal cases identified in the judicial complaint. The fourth district judge dismissed for lack of jurisdiction the complainant's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 and denied other motions that the complainant has filed in the action following the dismissal. The circuit judge was assigned to a three-judge panel that adjudicated the complainant's appeal of another case. The other named federal judges have never served on any case involving the complainant.

To the extent the judicial complaint's allegations challenge (1) the fourth district judge's dismissal of the complainant's case or denial of the complainant's motions, and (2) the circuit judge's actions on appeal, 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* 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); 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."). To the extent that the judicial complaint alleges that the named federal judges otherwise engaged in improper conduct, the allegations must be dismissed as "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.

July 20, 2022, 2022



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