

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-21-90033

In re Complaint of John Doe¹


This is a judicial complaint filed by a civil litigant (“complainant”) against the United States district judge assigned to the complainant’s case.

Contrary to Rule 2(b) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the judicial complaint does not set forth a “[s]tatement of facts . . . setting forth with particularity the facts the claim of misconduct or disability is based on.” Instead, the complainant merely attaches as complaint exhibits the following documents: (1) a summons addressed to the district judge informing the district judge that the complainant has filed a lawsuit against the judge, (2) the complainant’s motion for recusal filed in the underlying case, and (3) a federal complaint filed by the complainant against the district judge.

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.

Because the judicial complaint is “not in conformity with [28 U.S.C] § 351(a),” it is dismissed. *See* Rule 4(c)(1) of Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit; *see also* 28 U.S.C. § 351(a) (“Any person alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such judge is unable to discharge all the duties of office by reason of mental or physical disability, may file with the clerk of the court of appeals for the circuit a written complaint containing a brief statement of the facts constituting such conduct.”).

May 4, 2022



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