

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90053
JCP No. 08-22-90054
JCP No. 08-22-90055
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JCP No. 08-22-90057
JCP No. 08-22-90058
JCP No. 08-22-90059
JCP No. 08-22-90060

In re Complaint of John Doe¹

This is a judicial complaint filed by a state prisoner (“complainant”) against five United States circuit judges, two United States district judges, and a United States magistrate judge.

The judicial complaints allege that the judges’ various rulings and judgments demonstrate “a mass conspiracy and collusion against” the complainant. He asserts that the judges’ actions are arbitrary and demonstrate their bias against the complainant.


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 complainant has filed habeas petitions pursuant to 28 U.S.C. § 2254 and a prisoner civil rights action pursuant to 42 U.S.C. § 1983. In 2018, the complainant appealed the first district judge’s orders dismissing the complainant’s § 2254 petitions

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.

as time-barred. Three circuit judges—one of which is named in the judicial complaint—denied the complainant’s application for a certificate of appealability. In 2020, the complainant appealed the second district judge’s order denying the complainant his post-judgment “motion for conventional filing” and motion for relief under Federal Rule of Civil Procedure 60(b) in the § 1983 case. Three circuit judges named in the judicial complaint summarily affirmed the district court’s order. In 2022, the complainant sought authorization to file a successive § 2254 habeas petition. Three circuit judges named in the judicial complaint denied the motion for authorization. Additionally, in 2022, the complainant sought a certificate of appealability of the first district judge’s denial of the complainant’s post-judgment “Motion to Supplement Grounds for Section 2254 Federal Habeas Corpus,” as an unauthorized successive § 2254 petition. Three circuit judges named in the judicial complaint denied the application.

To the extent that the judicial complaint challenges the judges’ rulings, the allegations 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 judges are in “a mass conspiracy and collu[ded] against” the complainant, acted arbitrarily, were biased against the complainant, or otherwise engaged in improper conduct, the allegations are “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).

October 25, 2022



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