

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

---

JCP No. 08-22-90068

---

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

This is a judicial complaint filed by an inmate (“complainant”) against a United States district judge who presided over the inmate’s civil rights action.

The judicial complaint alleges that the district judge, in its initial-review order of the complainant’s amended complaint, changed the “narrative” of the complainant’s “statement of facts” set forth in the complainant’s amended complaint. The judicial complaint alleges that the altering or changing of the narrative constitutes a “judicial disability.”

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 initial-review order shows that the district judge set forth the factual background of the complainant’s case in a “SUMMARY OF AMENDED COMPLAINT” and provided record citations for this factual summary.

I conclude that to the extent that the judicial complaint’s allegations challenge the district judge’s order, 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). To the extent the judicial complaint alleges judicial disability or

---

<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.

other improper conduct, the allegations must be dismissed as “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.

October, 2022

  
\_\_\_\_\_

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