JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90092
JCP No. 08-22-90093

In re Complaint of John Doe[1]

This is a judicial complaint filed by an inmate ("complainant") against the United States district judge and United States magistrate judge assigned to the complainant's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The judicial complaint alleges that the complainant has suffered "invidious discrimination conducted in concert" by certain state officials. The judicial complaint further alleges the magistrate judge "echoed" a false narrative and gossip put forth by the state officials in the magistrate judge's findings and recommendation to dismiss the complainant's habeas petition. According to the judicial complaint, this resulted in the district judge's "total suppression" of the truth in its order adopting the magistrate judge's findings and recommendation.

The judicial complaint is a direct attack on the rulings of the magistrate judge and district judge. 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* 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). To the extent the judicial complaint alleges that the district judge and magistrate judge showed bias or prejudice against the complainant or engaged in other judicial misconduct, the allegations are

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[1]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.

"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).

The judicial complaint is dismissed.

6/13/23, 2023

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