

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90106

JCP No. 08-22-90107

In re Complaint of John Doe¹

These are consolidated judicial complaints filed by a civil litigant (“complainant”) against the United States district judge and United States magistrate judge assigned to the complainant’s case. The judicial complaints allege that the complainant filed a housing discrimination suit but was denied a jury trial by the district judge.

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 record shows that the magistrate judge issued a report and recommendation to the district judge, recommending that the district judge dismiss the action. The district judge accepted the magistrate judge’s report and recommendation with certain modifications and dismissed the case.

The judicial complaints must be dismissed because they challenge the report and recommendation and dismissal order and are therefore “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).

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.

Accordingly, the judicial complaint is dismissed.

June 27, 2023



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