

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90119

In re Complaint of John Doe¹

This is a judicial complaint filed by a civil litigant (“complainant”) against the United States district judge who dismissed the complainant’s civil lawsuit.

The judicial complaint challenges the district judge’s statement in the dismissal order that the complainant failed to adequately allege a legally-cognizable right and alleges that the district judge discriminated against the complainant by dismissing the case.

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). It shows that the district judge dismissed the complainant’s civil lawsuit for two reasons. First, the complainant failed to allege federal question jurisdiction or diversity jurisdiction, thereby depriving the district court of a basis for federal jurisdiction. Second, the complainant “fail[ed] to state a claim upon which relief may be granted.”


Having reviewed the record, to the extent the judicial complaint’s allegations challenge the district judge’s dismissal 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);

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.

accord J.C.U.S. Rules 4(b)(1), 11(c)(1)(B). To the extent the judicial complaint alleges that the district judge discriminated against the complainant, such allegations are “frivolous, 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.

July 5, 2023



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