

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-23-90007  
JCP No. 08-23-90010  
JCP No. 08-23-90011  
JCP No. 08-23-90012

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

These are judicial complaints filed by a civil litigant (“complainant”) against three United States circuit judges and a United States district judge.

The judicial complaints allege that the district judge “blatantly refused to consider the so obvious discriminatory use of [diversity jurisdiction]” and that the circuit judges “[did] the same thing.” The judicial complaints further allege that the district judge’s decision and circuit judges’ decision “are discriminatory.”

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 district judge dismissed the complainant’s case without prejudice “due to a lack of subject matter jurisdiction” for “fail[ure] to adequately assert the requisite amount in controversy to establish diversity jurisdiction under 28 U.S.C. § 1332(a).” The circuit judges summarily affirmed the district judge’s judgment. Thereafter, the complainant filed another case that was “substantively identical to” the prior case. The district judge “incorporate[d] by reference the reasons for dismissal set forth [in

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<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.

the prior case]” and dismissed without prejudice for lack of subject matter jurisdiction.

Having reviewed the record, to the extent the judicial complaints’ allegations challenge the district judge’s orders and the circuit judges’ 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 complaints allege that the district judge and circuit judges discriminated against the complainant or engaged in other judicial misconduct, 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

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