

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-23-90075

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate (“complainant”) against the United States magistrate judge assigned to the complainant’s pro se 42 U.S.C. § 1983 action.

The judicial complaint alleges that the magistrate judge (1) “placed [the complainant] under surveillance and made opinions and recommendations based off current and irrelevant facts including [the complainant’s] behavior,” (2) “has communicated with [prison] officials and caused frustration and hind[rance] to pending claims,” (3) “unlawfully obtained information on [the complainant] not relevant to facts and law of pending claims and used them against [the complainant],” (4) “may possibly be involved in illegal acts such as embezzlement of [prison] funds used to provide incarcerated individuals basic necessities and equal treatment amongst all incarcerated persons,” and (5) illegally influenced others.

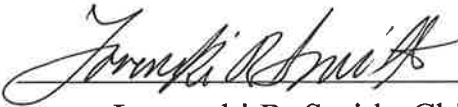
To the extent the judicial complaint challenges any orders or recommendations of the magistrate judge, it must be dismissed as “directly related to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); *accord* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial 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

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.

the magistrate judge engaged the enumerated 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 18, 2023



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