

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-23-90084

JCP No. 08-23-90085

JCP No. 08-23-90086

In re Complaint of Jane Doe/John Doe¹

These are judicial complaints filed by an inmate (“complainant”) against the three United States circuit judges who entered a judgment granting the complainant’s motions to proceed in forma pauperis, assessing the full appellate filing and docketing fees against the complainant, and summarily affirming the district judge’s dismissal of the complainant’s civil rights action without prejudice.

The judicial complaints allege that the circuit judges “pos[ed] as judges” and “maliciously abuse[d] [28 U.S.C.] § 1915(g) as a categorical prohibitive financial barrier to knowingly deny [the complainant] any and all access to [the] court.” The judicial complaints further allege that the circuit judges “misus[ed] § 1915(g) to embezzle [the complainant’s] funds.”

The judicial complaints challenge the circuit judges’ judgment and therefore 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 complaints allege that the circuit judges engaged in other judicial misconduct, such allegations are “frivolous, lacking

¹Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the names of the complainants and the judicial officer complained against are to remain confidential, except in special circumstances not here present.

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 complaints are dismissed.

July 31, 2023



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