

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-23-90120

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate (“complainant”) against the United States district judge who dismissed the complainant’s civil-rights action.

The judicial complaint alleges that the district judge “was prejudiced” in dismissing the civil-rights action.

To the extent the judicial complaint challenges the district judge’s order dismissing the civil-rights case, 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 the district judge “was prejudiced” against the complainant, such allegation is “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).

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.

January 18, 2024

Lavenski R. Smith

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