

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-24-90001

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

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

The judicial complaint alleges that the district judge should have recused in one of the cases because “a relative or what reasonably appeared to be a relative . . . was part of the defense team.” The complainant speculates that this individual was related to the district judge because they have the same last name. The judicial complaint further alleges that the district judge “and the courts have created and followed certain rules or policies[,] which abridge [the First] Amendment [r]ight to access the courts and abridge the right to a civil jury trial.” The complainant does not specify what the “rules or policies” are. Finally, the judicial complaint notes that the complainant filed a motion to reopen in the other civil-rights case.

To the extent the judicial complaint challenges the district judge’s rulings in the civil-rights actions, 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 (1)

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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.

that the district judge had a conflict of interest in one of the civil-rights actions based on speculation that the district judge is related to defense counsel, and (2) that the district judge violated the complainant's constitutional rights, 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)©, (D).

Accordingly, the judicial complaint is dismissed.

January 25, 2024



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