

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-24-90006

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

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

The judicial complaint alleges that the district judge demonstrated bias and prejudice against the complainant by “repeatedly ‘vouch[ing]’ for the defendants’ behaviors, ma[king] excuses for the defendants, allow[ing] the defendants to repeatedly continue to violate [the complainant’s] religious freedoms, . . . practic[ing] law,” and “screen[ing] this case in the defendants’ favor.” The judicial complaint fails to identify a court document or transcript in support of the allegations.

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 record shows that the district judge screened the complainant’s civil complaint under 28 U.S.C. § 1915A and entered an order dismissing the complaint in part and directing service upon the defendants in part. The complainant then moved to amend the complaint to add new defendants and to bring additional claims against the existing defendants, and the district judge granted the motion to amend and screened the additional claims. The complainant filed a motion for temporary restraining order to enjoin the defendants from “torturing” the complainant for the complainant’s religious

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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.

beliefs and retaliating against the complainant for filing the civil-rights action. The district judge denied the complainant's motion in a written opinion and order.

To the extent the judicial complaint challenges the district judge's rulings, 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* J.C.U.S. Rules 4(b)(1), 11(c)(1)(B). To the extent the judicial complaint alleges that the district judge was biased against the complainant, the allegations are dismissed as "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).

Accordingly, the judicial complaint is dismissed.

February 23, 2024



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