

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-23-90077

JCP No. 08-23-90089

JCP No. 08-23-90090

JCP No. 08-23-90096

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

These are judicial complaints filed by an inmate (“complainant”) against eight United States circuit judges, two United States district judges and a United States clerk of court<sup>2</sup>. The judicial complaints allege the judges and clerk did not respond quickly to his prior complaints and accuse them of various offenses and misconduct.

To the extent the judicial complaints challenge the district judges’ orders, they 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).

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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 officers complained against are to remain confidential, except in special circumstances not here present.

<sup>2</sup>Court employees are not “covered judges” subject to the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-365. *See* J.C.U.S. Rule 1(b); *see also* J.C.U.S. Rule 8(c) (“Complaints against noncovered persons are not to be accepted for processing under these Rules but may, of course, be accepted under other circuit rules or procedures for grievances.”).

To the extent the judicial complaints accuse a judge of delay in ruling on complaints, the complainant filed twelve complaints on February 14, 2023. Each of these complaints was thoroughly investigated and addressed in great detail in a timely fashion in an order issued less than five months later, on July 7, 2023.

To the extent the judicial complaints accuse the judges and clerk of various offenses and 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 complaints are dismissed. *See* J.C.U.S. Rule 11(c)(1)(A).

September 13, 2023

A handwritten signature in cursive script that reads "Duane Benton". The signature is written in black ink and is positioned above a horizontal line.

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Duane Benton, Judge  
United States Court of Appeals  
for the Eighth Circuit