

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-24-90013

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In re Complaint of John Doe\*

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This is a judicial complaint filed by a civil litigant against a district judge who dismissed his civil rights action without prejudice for failure to state a claim.

The complaint alleges that the judge “committed judicial misconduct in administering the court’s duties” while considering the complainant’s lawsuit. The complaint asserts that the judge “knowingly and intentionally did not address motions favorable to [complainant],” deemed supporting evidence moot, “made up factual allegations not stated or mentioned in the complaint wording,” misrepresented the title of motions, and “submitted false judgments attempting to have appeal dismissed.” The complaint also maintains that the judge violated the litigant’s right to access the courts when the judge refused to accept any further filings in the case after the court of appeals affirmed the judgment and issued its mandate.

In support, the complainant attaches his motions for recusal, for reconsideration under Fed. R. Civ. P. 60(b), and to recall the mandate, all of which were denied. In those filings, the complainant alleged that the judge misinterpreted the facts alleged in the civil rights complaint, deemed his evidence moot, failed to address certain

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\*Under Rule 24(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, the names of the complainant and the subject judge are not disclosed. Citations or references herein to a “Rule” refer to these Rules.

claims, and erroneously concluded that his civil rights complaint failed to state a claim on the merits.

Insofar as the complaint challenges the judge's rulings, including the dismissal of the action and the denials of the motions for recusal and for reconsideration, the complaint must be dismissed as "directly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii); *see* Rule 4(b)(1) (misconduct does not include "an allegation that calls into question the correctness of a judge's ruling, including a failure to recuse"). The assertions that the judge made legal, procedural, and factual errors are merits-related and must be dismissed. *See In re Complaint of John Doe*, No. 08-08-90030 (8th Cir. C.J. Sept. 3, 2008) (dismissing as merits-related complaint alleging substantive and procedural error in rulings).

The judge's refusal to accept additional filings in the complainant's closed civil rights action does not rise to the level of misconduct. *See In re Charge of Judicial Misconduct*, No. 10-10-90042 (10th Cir. C.J. Oct. 20, 2010) (mere existence of order precluding complainant from filing further documents in closed case does not rise to level of misconduct); Rule 11(c)(1)(A) (providing for dismissal of complaint alleging conduct that, even if true, is not prejudicial to effective and expeditious administration of court business).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton  
Chief Judge

Filed: May 15, 2024.

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