

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-24-90018

JCP No. 08-24-90019

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In re Complaint of John Doe\*

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This is a judicial misconduct complaint by a pro se civil plaintiff against the magistrate judge who issued preliminary rulings in one of her civil actions and the district judge who eventually dismissed it.

The complainant alleges that the judges are “refusing without good cause shown to cooperate fairly in reviewing and investigating” her civil complaint and “discriminating intentionally against [her] due to her not being an attorney.” The complainant explains why she believes that her claims have merit.

The record shows that although the district court previously had restricted the complainant from filing new cases in the district pro se without written authorization from a judicial officer, she was authorized to file her civil complaint in this case. The magistrate judge granted her request to proceed in forma pauperis, granted her electronic filing privileges, and instructed the clerk of court to seek waiver of service of process from the defendants. After the defendants waived service, the parties filed numerous documents over the course of more than a year. The complainant filed a motion to disqualify the district judge, but the motion was denied. The defendants filed a motion to dismiss. In his order granting the motion, the district judge liberally

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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.

construed the complainant's pro se civil complaint and thoroughly explained why her complaint and other pending motions failed. The complainant is now appealing the dismissal.

Insofar as the judicial complaint challenges the judges' decisions, 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); *see* Rule 4(b)(1) (cognizable misconduct does not include "an allegation that calls into question the correctness of a judge's ruling, including recusal"). To the extent the complainant alleges impermissible discrimination in reaching those decisions or otherwise, the allegation is "frivolous" or "lacking sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(C), (D).

For these reasons, the judicial complaints are dismissed.

/s/ Steven M. Colloton  
Chief Judge

Filed: July 3, 2024

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