

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-24-90082

In re Complaint of John Doe*

This is a judicial misconduct complaint by a *pro se* plaintiff against a district judge who presided over his civil lawsuit.

The complainant sued a retail store for alleged violation of his civil rights and sought leave to proceed *in forma pauperis*. The judge denied leave to proceed *in forma pauperis* and dismissed the case without prejudice as frivolous. The complainant filed an “objection.” The judge construed the filing as a motion for reconsideration, considered the complainant’s arguments, and reaffirmed the prior decision. The complainant filed two motions for an extension of time to file an appeal. The judge denied the motions as untimely.

The complainant alleges that the judge misinterpreted his factual statements and incorrectly concluded that his claims were frivolous in dismissing his case. The complainant also alleges that the judge misconstrued his “objection” as a motion to reconsider, and wrongly concluded that his motion to extend the time for filing an appeal was untimely. The complainant attaches the district court’s orders dismissing the case, denying reconsideration, and denying an extension of time to file an appeal.

*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.

“Cognizable misconduct does not include an allegation that calls into question the correctness of a judge’s ruling.” Rule 4(b)(1). The judicial complaint challenges the correctness of the judge’s orders, and must be dismissed as “directly related to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); Rule 11(c)(1)(B). There is no allegation or evidence that the judge had an improper motive or bias in reaching her decisions.

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: December 3, 2024
