

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-24-90088

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In re Complaint of John Doe*

This is a judicial misconduct complaint by a civil plaintiff against the district judge who initially presided over her case and the district judge to whom the case was reassigned later.

With respect to the first judge, the complainant alleges that after appointing counsel, “the judge worked with the attorney against [her] to cause a failure to win.” The complainant asserts that the judge “didn’t make the attorney support [her],” and after she filed a grievance against the attorney, the judge and the attorney were recused from the case. She alleges that both the judge and the attorney “failed to represent [her],” and that the judge appointed an attorney “who would not represent to his fullest extent.” Regarding the second judge, the complainant alleges that the judge “has not responded to any motions [she] has submitted.” The complainant states she believes that the judge has “set [her] out to fail, and it seems that [she] does not deserve fair treatment and representation.” Along with her complaint, the complainant submits motions and responses that she filed, emails that she exchanged with counsel, and copies of the docket in her case.

*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.

In supplements to the complaint, the complainant notes that the second judge has responded to the motions referenced in her initial complaint. She alleges that “in [her] motions you will find several clerical errors that [she has] been requesting [the judge] to correct and still to date [he] has not complied.” The complainant states that on October 3, 2024, and October 10, 2024, she submitted medical and social security documents to the judge as proof of disability to support appointment of counsel. She alleges that “somehow” the social security letter “ended up on the docket” on October 3, even though she gave the documents to the judge only, not to the clerk. The complainant states that the doctor’s note was not added to the filed document, “but somehow the social security letter and the doctor’s note ended up being given to the defendants.” The complainant alleges that the judge violated her privacy rights. She submits copies of documents in an effort to show that the judge shared her information with the defendants. These documents include her doctor’s letter, her social security benefit verification letter, and defendant’s requests for the complainant’s authorization for the release of her unemployment and employment records, a copy of her tax return, her health information, and her social security earnings.

The record shows that the complainant filed an action alleging race and age discrimination against her former employer after she retired. The first judge granted her motions to proceed *in forma pauperis* and to appoint counsel. He dismissed some of the claims without prejudice, and allowed others to proceed. About four months after counsel’s appointment, counsel moved to withdraw because the complainant was filing a grievance against him. Before ruling on the motion, the first judge recused himself after learning that the complainant had been copying his courtroom deputy on some correspondence between her and her lawyer. The judge directed the clerk of court to reassign the case in the normal way.

The second judge was then assigned to the complainant’s case. He granted counsel’s motion to withdraw, and directed the complainant to retain new counsel or file notice that she planned to proceed *pro se* within 30 days. The complainant filed

several motions, including motions filed on October 3 and October 10 requesting a replacement attorney. The complainant's October 3 motion has one attachment—a letter from the Social Security Administration stating that the complainant is entitled to disability benefits, with the amounts of her benefit and payment redacted. The October 10 motion has no attachments. The judge denied the motions.

On October 23, 2024, the complainant filed a document alleging that on October 3 and October 10, she had submitted some of her medical documents to the judge “on behalf of requesting new counsel,” but the judge “has disclosed this information to the clerk and to the defendants.” On December 17, 2024, the judge directed the clerk to remove from the record the complainant's medical information, which apparently had been attached to her October 10 motion. The parties filed motions for summary judgment. The judge granted the defendant's motion, denied the complainant's motion, dismissed with prejudice the complainant's second amended complaint, and denied all other pending motions.

Allegations about the judges' orders, including those denying appointment of counsel, 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). The allegations about the clerk of court are not subject to these proceedings. *See* 28 U.S.C. § 351(a), (d)(1). The clerk's office filed the complainant's motions with her attachments, and the judge later directed removal of the complainant's attachments containing her medical information. Alleged clerical or administrative errors do not constitute judicial misconduct. There are no factual allegations supporting the claim of collusion against the complainant between the judge and defense counsel. The judicial complaint is not supported by evidence permitting an inference of judicial misconduct. *See* Rule 11(c)(1)(D).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: April 8, 2025
