

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-24-90091

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In re Complaint of John Doe\*

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This is a judicial misconduct complaint by a *pro se* plaintiff against a district judge presiding in her employment discrimination action.

After the judge dismissed certain claims without prejudice, the complainant filed a motion for a new judge, a motion to appoint counsel, a motion to transfer venue, and a motion for leave to amend her complaint. The judge granted the complainant leave to amend, but denied the other motions, stating the complainant provided no basis for a why a new judge was required. A review of the complainant's motion shows that she simply stated, "I would like to have different judge."

In her judicial complaint, the complainant alleges that she requested the judge's removal "because in [her] opinion he is very biased." The complainant states that the judge refused to remove himself, denied her a change of venue, dismissed certain claims, and denied appointment of counsel. The complainant alleges that the judge "has been being unfair and making fun of [her] case, turning down everything all because [she] has to represent [her]self."

"Cognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling, including a failure to recuse." Rule 4(b)(1). The

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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.

complaint's allegations challenging the correctness of the judge's decisions 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 complaint is otherwise "lacking sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(D). The allegations of bias and unfair treatment are conclusory and unsupported by the record. The judge granted the complainant leave to proceed *in forma pauperis*, allowed certain claims to proceed, and granted her leave to amend her civil complaint. Nothing in the record suggests the judge is biased against the complainant or *pro se* litigants.

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton  
Chief Judge

Filed: December 4, 2024

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