

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-24-90110

JCP No. 08-24-90111

JCP No. 08-24-90112

In re Complaint of John Doe*

This is a judicial misconduct complaint by a pro se civil plaintiff against the magistrate judge who was first assigned to her case, and the district judge and magistrate judge who were assigned to her case at the time that she filed her judicial misconduct complaint.

The complainant alleges that the judges “have been causing an unnecessary delay” in rescheduling a settlement conference, and have “refused to schedule a hearing date” for her motions to quash discovery and for summary judgment.

The complainant’s allegations are refuted by the record. The record shows that the original magistrate judge issued an order setting a settlement conference for August 22, 2024. The order provided that if the case did not settle before the conference, then each party “shall email the court on or before August 15, 2024, a confidential letter” containing specified information. The order stated that failure of any party to comply with any part of the order “may result in the postponement of the settlement conference” or imposition of an appropriate sanction. After case management review on August 19, 2024, the magistrate judge canceled the scheduled

*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.

settlement conference because the court had not received the required letter from the complainant.

The complainant filed a motion to reschedule the conference, and the magistrate judge denied the motion in part, stating that the conference would be rescheduled when the matter was further along in the discovery process and the court deemed it appropriate. The complainant then filed a motion seeking removal of the magistrate judge. The district judge denied the motion. The complainant filed motions for summary judgment and to quash discovery. A settlement conference was rescheduled for November 12, 2024.

Before the conference occurred, the case was reassigned to a new district judge. The magistrate judge canceled the previously scheduled settlement conference and scheduled a motion hearing on the complainant's motion to quash discovery. The district judge later denied the complainant's motion for summary judgment without prejudice for noncompliance with the local rule, and denied her motion to quash discovery as moot. The complainant filed another motion for summary judgment on November 20, 2024. The defendant filed a motion for summary judgment on January 15, 2025. On January 16, 2025, the district judge scheduled a hearing on the motions for summary judgment to be held on March 5, 2025.

Insofar as the judicial complaint challenges the judges' orders, 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); Rule 11(c)(1)(B). The allegation of delay is dismissed as merits-related because there is no evidence of habitual delay or improper motive. *See* Rule 4(b)(2).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: April 4, 2025
