

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90018

JCP No. 08-25-90019

JCP No. 08-25-90020

JCP No. 08-25-90021

In re Complaint of John Doe*

This is a complaint of judicial misconduct filed by a plaintiff against a district judge who dismissed his civil rights action and three circuit judges who dismissed his appeal.

The complainant alleges that (1) the district judge was not “making any rulings on [his] initial complaint . . . requiring [him] to file a motion to request a ruling after more than 3 months,” (2) the judge then erroneously dismissed his complaint and denied him leave to proceed *in forma pauperis*, (3) he did not receive notification of the dismissal in the United States mail until sixteen days after the judgment, and he incorrectly believed that he had another thirty days to appeal, (4) as a result, he filed his appeal four days late, and (5) assignment of counsel would have given him access to the court’s electronic case filing system for faster notice. The complainant speculates that the district judge “seems to be acting as the biased attorney of record in reckless defiant trickery for the defense as evidenced in all filings and orders issued in [the] 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.

The record shows that the complainant filed a civil rights lawsuit against a state university, its admissions office, and its Title IX compliance office. The complainant alleged that he was discriminated against when he was denied admission to a graduate program, and that his complaint about the alleged discrimination was not properly investigated. He did not request appointment of counsel. About three months after he filed the complaint, the complainant filed a motion requesting a ruling. Eight days later, the district judge dismissed the complaint for lack of subject matter jurisdiction on the ground that the state university and its offices were immune from suit under the Eleventh Amendment. In the same order, the judge denied the complainant's motion to proceed *in forma pauperis* as moot. The complainant appealed, and the three circuit judges dismissed the appeal as untimely.

The complaint names the circuit judges but makes no allegation of misconduct against them. Insofar as the complainant challenges dismissal of his appeal as untimely, 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).

Regarding the district judge, the span of approximately three months between the filing of the complaint and a ruling does not constitute cognizable misconduct. The complaint does not establish that there was unreasonable delay in this case or in a significant number of unrelated cases. *See* Rule 4(b)(2) (cognizable misconduct does not include allegations about delay in rendering decision or ruling, unless allegation concerns improper motive in delaying particular decision or habitual delay in significant number of unrelated cases). The allegation that the district court erred in dismissing the complaint is 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). Allegations regarding the delay in receiving notice of the dismissal due to the United States mail system and the late filing of the notice of appeal due to lack of counsel do not demonstrate cognizable misconduct. The complaint is “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 allegation of bias is purely speculative.

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: October 6, 2025
