

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90062

In re Complaint of John Doe*

This is a complaint of judicial misconduct by a pro se plaintiff against a district judge who presided in his civil case.

The complainant alleges that the judge engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts by (1) systematically disregarding controlling legal authority, (2) treating him in a disproportionate and retaliatory manner as a pro se civil rights litigant, (3) tolerating unethical conduct by defense counsel, (4) failing to recuse despite the appearance of bias and partiality, and (5) abusing discretion and denying due process, access to discovery, and fair adjudication.

In additional specific allegations, the complainant asserts that: (1) in the order dismissing the case, the judge “used dismissive and mocking language,” implied bad faith and forum shopping, dismissed his pending motions without substantive analysis while characterizing his filings in a “belittling” manner, and violated the liberal pleading standard owed to pro se litigants; (2) the judge ignored known legal and factual errors, knowingly accepted pleadings from defense attorneys who were not admitted to the bar, dismissed federal claims rather than transferring them to a proper venue, and disregarded allegations of retaliation; (3) the judge engaged in a pattern

*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.

of neglect and delay by dismissing motions without review, failing to rule on motions for over three months before dismissing the entire case, failing to acknowledge or analyze the factual basis of certain claims, denying a change in venue, and disregarding pro se pleading standards; (4) the judge engaged in “systematic abuse of discretion” by dismissing the case without reviewing his sur-reply, ignoring his motion to strike the defendant’s answer, denying all his motions but granting all defense motions, and failing to liberally construe his pleadings; (5) the judge retaliated against him by dismissing the case shortly after he filed “motions exposing misconduct and asserting legal rights;” (6) the judge abused her office by permitting unauthorized attorneys to participate without ruling on his motion for sanctions and by “disproportionately” ruling in favor of the defense; (7) the judge “implie[d] favoritism toward defense counsel” by refusing to address his evidence and legal motions, by dismissing his adverse facts without analysis, and by rejecting his procedural objections; and (8) through these actions, the judge established the appearance of bias requiring recusal.

The complainant filed the underlying lawsuit asserting federal claims related to an injury that he suffered while working at a defendant’s manufacturing facility in Wisconsin. The complainant sued the manufacturer, its insurer, and its claims management company, alleging that they conspired to deny him benefits after the workplace injury. The defendants moved to dismiss and for judgment on the pleadings. The complainant filed briefs, two motions to strike the manufacturer’s answer, a motion for leave to file a sur-reply to the insurer’s motion to dismiss, a motion for sanctions against the manufacturer, and an application for entry of default judgment against the manufacturer.

The judge dismissed the complaint for failure to state a claim under one federal statute and for improper venue under the other two statutes. The judge stated that transferring the latter claims to the appropriate venue in Wisconsin would make “little sense” because the complainant had already filed two federal lawsuits there and both

had been dismissed. The judge added that “it appears that [the complainant], by filing in [states other than Wisconsin], is attempting to outright avoid a third dismissal in Wisconsin.” The judge also described the filings submitted with the complaint as “mountains of exhibits” and the lawsuit as the complainant’s effort to find “another venue to air his grievances.” Besides dismissing the complaint, the judge dismissed some of the complainant’s pending motions as moot and summarily denied others on the merits.

The complainant later filed a motion to alter or amend the judgment and a motion to disqualify the judge based on the alleged appearance of bias, procedural inequality, improper commentary on pending cases, improper acceptance of defense rhetoric, failure to apply liberal pro se standards, and delay. The judge denied both motions in a 15-page order. In declining to recuse, the judge stated that she meant “no disrespect for [the complainant] or the integrity of the court’s proceedings,” and her “language [was] not evidence of bias.” The court observed that the basis for some of the dismissed motions—that defense filings were submitted by attorneys who were not admitted in the judge’s district—was factually incorrect. The judge explained that her reference to the complainant’s Wisconsin case was merely to explain context, and that she had not referenced any of the defendants’ statements that the complainant believed she had adopted. The judge stated she had treated the complainant the same as any pro se litigant, and in fact had reviewed the hundreds of pages of exhibits attached to his complaint to discern basic facts about the case. The judge said that her ruling within three months of the complainant’s last relevant motion was reasonable because a thorough review of the issues in the case required review of the complaint exhibits and hundreds of pages submitted with his various other post-complaint motions.

The time elapsed before a decision in this case was not unreasonable and does not support an inference of misconduct. In any event, “[c]ognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegations concerns an improper motive in delaying a particular decision.” Rule 4(b)(2). There is no evidence of improper motive for delay in this case. Bias and unfair treatment are not established by the judge’s choice of language or adverse rulings. *See Liteky v. United States*, 510 U.S. 540, 555-56 (1994) (judicial rulings alone almost never constitute valid basis for bias or partiality motion; bias or partiality not established by judge’s “expressions of impatience, dissatisfaction, annoyance, and even anger”). The judge did not use mocking or belittling language or treat the complainant “in a demonstrably egregious and hostile manner.” *See* Rule 4(a)(2)(B).

Most of the complaint’s allegations challenge the dismissal order and the denial of the motion to recuse. Those allegations are 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 dismissed as “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred.” Rule 11(c)(1)(D).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: May 29, 2026
