

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90063

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 rights case.

The complaint alleges a “pattern of judicial misconduct and improper actions” by the judge—specifically, (1) ex parte communication with defense counsel about substantive matters in the case, (2) misrepresentation of the record by stating that there was no final agency decision in the file, (3) failure to require a defendant to respond for more than six months and comply with statutory deadlines, and (4) threatening to sanction him for filing motions for reconsideration and other procedural motions. The complaint also alleges that court clerks acted improperly by issuing orders and correspondence that misrepresented judicial action, by mailing back filings, and by failing to respond to communications.

The complainant worked at the Department of Veterans Affairs. He filed a lawsuit alleging that he was exposed to mold in the workplace and suffered injury as a result. He sued several people who worked at the Department, alleging that they retaliated against him in various ways after he reported the mold hazard and their alleged falsification of reports about the mold. About two months later, the complainant filed an amended complaint with the judge’s consent.

*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.

Close to eight months after the lawsuit's initial filing, the judge dismissed most of the claims with prejudice due to preemption, the statute of limitations, lack of jurisdiction, or failure to state a claim upon which relief could be granted. The judge dismissed remaining claims related to post-employment retaliation without prejudice on the ground that the complainant failed to exhaust his administrative remedies. Although the complainant had submitted an administrative claim, the claim had not included allegations of post-termination retaliation, which occurred more than six months later. After the dismissal of the lawsuit was affirmed on appeal, the complainant filed additional motions in the district court. The judge denied them, and the denials were affirmed on appeal.

The judge then issued an order directing the complainant to cease sending emails to the address that is available for self-represented litigants to submit documents for filing in pending cases. The judge warned that failure to comply would lead to sanctions. After the complainant sent a motion to compel docketing and public access to all pleadings, the judge issued an order denying the motion as moot because the case was closed. The judge also directed the complainant not to file any additional motions in the closed case except for a notice of appeal or appellate documents. The judge further directed the clerk's office to forward any motions or other documents to the judge for review. The judge stated that if the motion or documents were frivolous, they would be rejected. The judge added that failure to comply with the order might result in the imposition of additional sanctions.

The complainant's allegation about ex parte communication is unsupported by any specific facts and insufficient to permit an inference of misconduct. *See* Rule 11(c)(1)(D). The allegations about misrepresentation of the record, failure to require compliance with statutory deadlines, and threats of sanctions 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). Allegations about the clerk's office personnel

are not subject to these judicial misconduct proceedings. *See* 28 U.S.C. § 351(a) (providing for complaints against “judge”), (d)(1) (defining “judge”).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: December 29, 2025
