

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90074

JCP No. 08-25-90075

In re Complaint of John Doe*

This is a complaint of judicial misconduct by a pro se plaintiff against a district judge and a magistrate judge assigned to his civil cases.

The complainant is an attorney. He sued the defendants in two cases on the same date. He filed one case in state court, and the other in federal court. About two months later, the defendants removed the state-court case to federal court. The complainant filed a motion seeking remand to state court and also requesting dismissal of the case that he had initially filed in federal court. Adopting the magistrate judge's recommendation, the district judge denied the motion to remand, dismissed the removed case as duplicative of the federal case, and granted the complainant's motion to amend the remaining complaint.

The complainant filed a motion for "recusal of the entire United States District Court Panel," alleging that the panel had banned him from receiving appointments under the Criminal Justice Act, and that the decision constituted discrimination based on his race and the race of his clients. An exhibit showed that the federal public defender for Nebraska notified the complainant in 2016 that he was removed from the CJA panel, that the "CJA Panel Selection Committee" determined that he should be

*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.

removed, and that the then-chief judge of the district court “approved” the decision. The district judge denied the motion and observed that neither he nor the magistrate judge were judges on the court at the time of the decision to remove the complainant from the panel of CJA attorneys.

The judicial complaint alleges that the judges allowed a defendant to file a duplicate case in federal court, unnecessarily delayed in dismissing the duplicate case, failed to grant a remand, failed to fine or sanction the defendant for the duplicate case, and showed favoritism to the defendant by ignoring the abuse of legal process in filing the duplicate case. The complainant also alleges that the district judge threatened him with sanctions for filing duplicative litigation, but did not threaten the defendant with sanctions for a duplicate filing. The complainant adds that the judges should not rule on his case because he is banned from receiving CJA appointments in the court.

Much of the complaint challenges the merits of the judges’ rulings, and those allegations 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); Rule 4(b)(1) (cognizable misconduct does not include allegation that questions correctness of judge’s ruling, including failure to recuse). The complaint is otherwise dismissed as “frivolous” or “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred.” Rule 11(c)(1)(C), (D). The defendant did not file a duplicate case, but simply removed the complainant’s duplicate case from state to federal court. The allegation of delay in dismissing the duplicate case is not cognizable misconduct. *See* Rule 4(b)(2) (delay in rendering particular decision not cognizable misconduct absent improper motive).

The complaint supplements are rejected because they may not be used to circumvent the length limit established by rule. *See* 8th Cir. JC&D R. 6A (limiting statements of facts to five pages).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: June 1, 2026
