

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-23-90121

In re Complaint of John Doe¹

This is a judicial complaint filed by a pro se litigant (complainant) against the United States district judge who dismissed the complainant's civil-rights action.

First, the judicial complaint alleges that the district judge "was not disposing promptly the business of the court by neglecting to have the Seal of the Court on the orders and neglecting to have the signature of the clerk on the orders which resulted in falsely making orders by forging the seal of the court to make the signature of the Judge to be by counterfeit on the orders mailed in the federal mail to [the complainant]." Second, the judicial complaint further alleges that the district judge "conducted court business improperly by not allowing [the complainant] to amend [the] complaint[] before a summons." Third, the judicial complaint alleges that the district judge "discriminated against [the complainant] for being a Federal Indian" by "refus[ing] to appoint[] [the complainant] counsel." Fourth, the judicial complaint alleges that the district judge is "involved in [a] compounding crime."

I have reviewed the record. *See* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(b). The record shows that the district judge entered an order directing the complainant to pay the filing fee or request to proceed in forma pauperis (IFP). The complainant

¹Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the names of the complainant and the judicial officer complained against are to remain confidential, except in special circumstances not here present.

submitted a motion to proceed IFP, but the motion did not contain the complainant's signature. The Clerk of Court then directed the complainant to "correct the deficiency" or the pleading "may be stricken from the record of this case." The complainant failed to follow the Clerk of Court's directions. The district judge then ordered the complainant to file a signed motion for leave to proceed IFP by a date certain. The district judge warned the complainant that failure to do so would result in striking the motion to proceed IFP and dismissal of the case for failure to comply with the court's orders. The complainant then filed a motion to appoint counsel and a motion captioned "Request for Transfer Admissions." The complainant, however, did not correct the deficiency in the motion to proceed IFP. As a result, the district judge dismissed the action without prejudice and denied the other motions.

To the extent the judicial complaint challenges the district judge's orders, it must be dismissed as "directly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii); *accord* J.C.U.S. Rules 4(b)(1), 11(c)(1)(B). To the extent the judicial complaint alleges that the district judge discriminated against the complainant or engaged in other misconduct, such allegations are "frivolous, lacking sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii); *accord* J.C.U.S. Rule 11(c)(1)(C), (D).

Accordingly, the judicial complaint is dismissed.

January 18, 2024



Lavenski R. Smith, Chief Judge
United States Court of Appeals
for the Eighth Circuit