

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90079

In re Complaint of John Doe¹

This is a judicial complaint filed by a criminal defendant against the United States district judge assigned to the complainant's case.

The judicial complaint alleges that the district judge “harbors an ulterior motive when making decisions pertaining to the complainant, . . . which are therefore in bad faith”; “likely . . . deemed the complainant guilty and was therefore adamant that [the complainant] should be held accountable for all such alleged misconduct, and manipulated the judicial process to assure it”; “antagonize[d] the complainant by intercepting and having all of the complainant’s petitions for writ of habeas corpus reassigned to [the district judge]”; “was adamant about the complainant’s upcoming conviction”; “caused all [pro se] motions and notices filed with the District Court to be removed from the Court’s dockets”; “shift[ed] . . . blame . . . upon the complainant, stating that the complainant was playing a silly ‘game’ with the Court . . . by referring to the complainant’s pursuits of pretrial motions, petitions for writ of habeas corpus/mandamus, a lawsuit and [the] [first] judicial complaint . . . alleging the court’s improper behavior”; “attempted and was adamant about denying the complainant’s requests without review” during a motion hearing”; and showed “deep-seated favoritism and [an] antagonistic-nature negatively impacting the complainant” during sentencing by giving the complainant a life sentence due to the complainant’s “lack of remorse.”

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.

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). I conclude that to the extent that the judicial complaint challenges the district judge’s various rulings, the 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); *accord* J.C.U.S. Rules 4(b)(1), 11(c)(1)(B). To the extent the judicial complaint alleges that the district judge showed bias against the complainant or engaged in other improper conduct, the allegations are “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).

November 8, 2022



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