

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90086

In re Complaint of John Doe¹

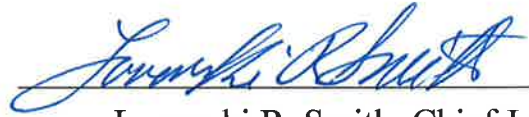
This is a judicial complaint filed by a criminal defendant (“complainant”) against the United States district judge who presided over the complainant’s case. The judicial complaint alleges that the district judge “acted without subject matter and personal jurisdiction in complainant’s criminal proceedings.” Specifically, the judicial complaint alleges that the district judge “resided over a federal trial in which the United States government failed to seek a grand jury indictment as required by the Constitution and laws of this country.”

To the extent that the judicial complaint challenges the district judge’s jurisdictional 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* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rules 4(b)(1), 11(c)(1)(B). To the extent the judicial complaint alleges that the district judge otherwise engaged in misconduct, the allegations are “frivolous” and “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).

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.

Accordingly, the judicial complaint is dismissed.

October 26, 2022

A handwritten signature in blue ink, reading "Lavenski R. Smith", written over a horizontal line.

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