

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90112

JCP No. 08-22-90113

JCP No. 08-22-90114

JCP No. 08-22-90115

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate (“complainant”) against certain United States district judges and United States magistrate judges.²

The judicial complaint seems to challenge the judgment for revocation of supervised release entered against the complainant, maintains that the magistrate judge’s report and recommendation to the district judge assigned to the criminal case

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.

²The first page of the complainant’s judicial complaint “request[s] [that] judicial notice be taken against [the complainant’s] request/motion to recuse” concerning the undersigned, two district judges, and two magistrate judges. But the remainder of the complaint makes no substantive allegations against the undersigned, one of the district judges, and one of the magistrate judges (who is now retired). Furthermore, the retired magistrate judge is no longer a “covered judge” subject to the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.). *See* J.C.U.S. Rule 1. As a result, my adjudication of this judicial complaint focuses only on the substantive allegations of judicial misconduct made against the district judge and magistrate judge assigned to the complainant’s criminal case.

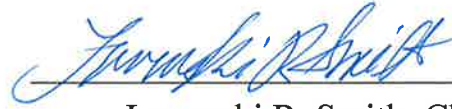
was a “fraudulent misrepresentation,” and asserts that the complainant’s due process rights were violated.

I have reviewed the record. *See* J.C.U.S. Rule 11(b). It shows that the complainant committed various violations of supervised release while serving a second term of supervised release. The complainant admitted to two of the violations but thereafter filed a pro se motion to withdraw the admissions. The magistrate judge held a hearing and recommended that the district judge deny the motion. The district judge adopted the recommendation. The complainant then moved to represent himself, which the district judge granted. Thereafter, the complainant filed a motion to suppress and a motion for recusal. The district judge denied the motions as “nonsensical and contain[ing] wholly irrelevant legal propositions.” The district judge then imposed a revocation sentence. A panel of this court affirmed the revocation sentence on appeal.

Having reviewed the record, to the extent the judicial complaint’s allegations challenge the magistrate judge’s recommendation and the district judge’s orders, they 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 magistrate judge and district judge acted fraudulently, violated the complainant’s legal rights, or otherwise engaged in judicial 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).

The judicial complaint is dismissed.

July 5, 2023



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