

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90117

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate (“complainant”) against the United States district judge who denied the complainant’s renewed motion for reduction in sentence or compassionate release.

The judicial complaint alleges that the district judge relied on reasons set forth in prior orders for denying the complainant’s motion. According to the complainant, “this judicial complaint has *one* purpose, to correct the nonexistent sentences (clerical errors) in [prior orders] incorporated by reference” in the district judge’s most recent order

Although the judicial complaint maintains that it “should not be construed as challenging the merits of the [the orders],” that is precisely what the judicial complaint does. *See* 28 U.S.C. § 352(b)(1)(A)(ii) (“[T]he chief judge . . . may . . . dismiss the complaint . . . if the chief judge finds the complaint to be . . . directly related to the merits of a decision or procedural ruling”); *accord* J.C.U.S. Rules 4(b)(1), 11(c)(1)(B).

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.

The judicial complaint is dismissed.

June 28, 2023

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