

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-23-90105

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 was biased against the complainant, impartial, and “inept” at handling “the disappearance of evidence f[rom] the courtroom.” Specifically, the complaint alleges that the district judge failed to act “when . . . evidence disappear[ed] during the trial and [was] replaced with a phony photograph substitute of the item.” The judicial complaint explains that the complainant “object[ed]” to the government’s failure “to produce the evidence,” but the district judge overruled the objection and “instead ordered [the complainant] to use the paper substitute of the item.” The judicial complaint further alleges that when the complainant “requested the judge probe the matter on the record,” the district judge “denied [the] request by ignoring [it].” According to the complainant, the district judge’s actions violated Federal Rule of Criminal Procedure 5 and the complainant’s “right to due process and equal protection” by depriving the complainant of a fair trial.

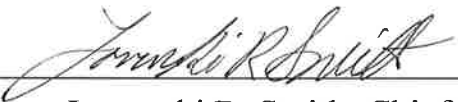
To the extent the judicial complaint challenges the district judge’s decision to overrule the complainant’s objection, it must be dismissed as “directly related to the

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.

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 was biased against the complainant, such allegation is “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 22, 2024



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