

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-23-90117

In re Complaint of John Doe¹

This is a judicial complaint filed by a criminal defendant (“complainant”) against the United States district judge presiding over the complainant’s criminal case.

The judicial complaint alleges that the district judge “participated and facilitated in judicial misconduct . . . by allowing [defense counsel] and [an assistant United States attorney] to engage in egregious misconduct all knowingly perpetrated.” Specifically, the judicial complaint alleges that counsel engaged in perjury, suborned perjury, obstructed justice, violated court procedures, violated the complainant’s civil rights, falsified court and police documents, engaged in deceit, manipulated court proceedings, failed to fulfill specified duties, and violated their oaths. According to the judicial complaint, when the complainant submitted a letter to a magistrate judge requesting that the magistrate judge address the attorneys’ misconduct, the district judge “intercepted this request and complaint.”

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). It shows that the complainant authored a pro se letter to a magistrate judge requesting a hearing in a closed case regarding the government’s application for a search


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.

warrant. The complainant's letter was docketed in the existing criminal case, and the district judge denied without prejudice the complainant's letter to the magistrate judge requesting a hearing. The district judge explained that it was not required to consider pro se motions filed a party represented by counsel.

To the extent the judicial complaint could be interpreted to challenge the district judge's order, it 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 conspired with or allowed defense counsel and the assistant United States attorney to engage in 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).

Accordingly, the judicial complaint is dismissed.

January 19, 2024



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