

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-24-90002

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate (“complainant”) against the United States magistrate judge who recommended dismissal of the complainant’s 28 U.S.C. § 2255 motion.

The judicial complaint alleges that the magistrate judge deliberately ignored facts, made excuses for the government, was prejudiced and biased against the complainant, narrated “fictitious facts” never proven by the government at trial, favored the government, disregarded evidence, and practiced law in violation of 28 U.S.C. § 454.

I have reviewed the record, including the magistrate judge’s report and recommendation in which the judge recommended dismissal of the complainant’s § 2255 motion. *See* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(b). To the extent the judicial complaint challenges the magistrate judge’s report and recommendation, 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* 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 magistrate judge was

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.

biased against the complainant or favored the government, 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.

Feb 21, 2024



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