

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-25-90025

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In re Complaint of John Doe\*

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This is a complaint of judicial misconduct by a prisoner against a district judge who is assigned to his criminal case and post-conviction case.

The complaint alleges that the judge is delaying a ruling in the post-conviction proceeding because the complainant has proven the government, probation officer, and defense counsel committed perjury. The complainant asserts that the judge had him sent to a maximum security prison following revocation, the transcripts from the revocation hearing are incorrect, and the judge stated that he imposed the maximum sentence on revocation because the complainant “made a mockery of the court.” The complainant concludes that the judge, prosecutor, probation officer, and defense counsel conspired to have him falsely convicted of violating his supervised release.

The record shows that the complainant violated the terms of his supervised release in several ways, including by possessing a firearm and engaging in a gunfight after someone hit his car. At the final revocation hearing, the judge varied upward from the advisory guideline sentencing range and imposed the maximum sentence of twenty-four months’ imprisonment after considering the statutory sentencing factors. The judge cited the complainant’s attempt to perpetrate a fraud on the court through an “outrageous exhibition of false testimony” by a defense witness, the need to

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\*Under Rule 24(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, the names of the complainant and the subject judge are not disclosed. Citations or references herein to a “Rule” refer to these Rules.

protect the public, the need for deterrence, and his lack of respect for the law. The complainant appealed, and the court of appeals affirmed.

The complainant filed a post-conviction motion in November 2024 challenging the revocation. In February 2025, nineteen days after receiving the complainant's reply to the government's response, the judge issued an order denying relief.

To the extent that the complainant challenges the revocation of supervised release or his sentence on revocation, the allegations must be dismissed as "directly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii); Rule 11(c)(1)(B). The record shows that the matter was timely resolved, and the allegation of delay is frivolous. *See* Rule 11(c)(1)(C); Rule 4(b)(2) (cognizable misconduct does not include allegation about delay in rendering particular decision unless allegation concerns improper motive). The allegations are otherwise "lacking sufficient evidence to raise an inference that misconduct has occurred." Rule 11(c)(1)(D).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton  
Chief Judge

Filed: October 6, 2025

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