

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90049

In re Complaint of John Doe^{*}

This is a complaint of judicial misconduct by a plaintiff against a district judge who is presiding in his civil action.

The complaint alleges that (1) the judge has “entered all pertinent orders as docket entry only . . . to avoid accountability, by leaving no paper trail,” [Compl. at 2], (2) the denial of his motion for recusal should have been in writing instead of a docket text entry, and the denial should be reconsidered due to “obvious bias and prejudice,” [Compl. at 2 & 6], (3) the judge issued a “be on the look out” directive regarding the complainant on a particular day on which he got assaulted by a United States marshal at the courthouse, and the judge falsely denied issuing the directive, (4) the judge appointed “highly ineffectual” counsel, which prevented the complainant from filing anything or communicating about his own case, except through counsel, (5) the judge engaged in “unscrupulous delay tactics” to deny him his right to a jury trial by directing counsel to file an amended complaint, and (6) several of the judge’s rulings “have been unlawful and incorrect.” The complainant concludes that the judge “has proven prejudice and bias in my case and has erred in his orders.”

^{*}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.

In an action filed in the district court, the complainant sued a police sergeant, an assistant chief of police, and a city, primarily alleging retaliation for the exercise of rights under the First Amendment. The complainant filed a motion seeking recusal of the judge. The motion alleged that the complainant visited the courthouse on a certain date to speak with the court's deputy clerk about his case. The motion asserted that a security guard required the complainant to be escorted within the building to the clerk's office, and that the complainant "immediately knew [the deputy clerk] was responsible for a BOLO (Be on the Look Out) being placed for [him] at the security checkpoint," although he has not "been informed who requested it formally." The motion alleged that the complainant was told to leave the building, and when he refused, he was "surrounded by 5 security officers." Two armed marshals arrived and asked questions about his intent, and one of the marshals "grabbed [him] by the elbow forcefully, telling [him] not to move toward [a] belligerent [security] officer." The motion alleged that the complainant then talked "calmly and casually" with the deputy clerk about his case. The complainant's motion concludes: "If [the deputy clerk] acted as an agent of [the judge], or on her own recognition, it doesn't matter. [The judge's] bias and prejudice against me and my case is now at question." The complainant's motion also alleged that the judge's "ex parte communication with . . . counsel [for one of the defendants] is grounds for disqualification."

The judge denied the motion for recusal. In a text entry order, the judge explained that he had spoken to the deputy clerk, neither she nor the judge was responsible for the alleged look-out directive that the complainant described, and the judge had no ex parte communications with counsel or any relationship with counsel other than being professional acquaintances.

The complainant filed a motion to appoint counsel, which was granted. After the complainant filed a lawsuit against the judge, the judge again declined to recuse himself, stating that the claims in the lawsuit against him were entirely frivolous and

that recusal would “incentivize abuse of the litigation process for judge-shopping purposes.” The judge later granted a motion to dismiss certain counts, denied a motion to dismiss another count, and issued a scheduling order setting a date for trial.

The judicial complaint’s allegations challenging the correctness of the judge’s orders—including both orders denying recusal—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 complaint is otherwise dismissed as “frivolous” or “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred.” Rule 11(c)(1)(C), (D). Judges may enter orders by docket text. The complaint contains no factual allegations supporting an inference of bias. There is no evidence that judge entered any look-out directive about the complainant. Any delay caused by directing amendment of the complaint after counsel’s appointment does not establish judicial misconduct. *See Rule 4(b)(2)* (cognizable misconduct does not include allegation about delay in rendering decision or ruling unless allegation concerns improper motive in delaying particular decision or habitual delay in significant number of unrelated cases). The judge properly could refuse to consider the complainant’s pro se motions when he was represented by counsel. *See United States v. Agofsky*, 20 F.3d 866, 872 (8th Cir. 1994).

The complainant has filed six supplements to the complaint. The supplements are rejected because complaint supplements may not be used to circumvent the length limit established by rule. *See Rule 6(b)* (complaint must “contain a concise statement that details the specific facts on which the claim of misconduct or disability is based”); 8th Cir. JC&D R. 6A (statement of facts must not exceed five pages in length).

Supplement four contains a new judicial complaint form with allegations against another district judge who is presiding in the civil case brought by the

complainant against the subject judge. That complaint has been docketed as a new judicial complaint and will be addressed separately.

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: October 31, 2025 (Corrected November 3, 2025)
