

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-23-90092

In re Complaint of John Doe¹

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

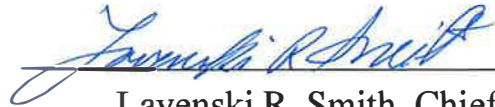
The judicial complaint alleges the district judge “allowed the United States government to try, convict, and sentence [the] complainant without a ‘grand jury.’” According to the complainant, “[t]he record is totally void of any indication that [the] complainant was indicted by a grand [jury].” The judicial complaint further alleges that the district judge was “aware” that “[t]he government has participated in racially motivated lynching masked as a criminal trial.”

To the extent the judicial complaint challenges the district judge’s decisions, 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 district judge condoned an unlawful prosecution and racial discrimination or engaged in other judicial 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).

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.

Accordingly, the judicial complaint is dismissed. *See* J.C.U.S. Rule 11(c)(1)(A).

August 28, 2023

A handwritten signature in blue ink, reading "Lavenski R. Smith", written over a horizontal line.

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