

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-23-90094

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate (“complainant”) against the United States district judge who denied the complainant’s motion to vacate, set aside, or correct judgment. *See* 28 U.S.C. § 2255.

The judicial complaint alleges the district judge failed to explain why the complainant did not satisfy “the two prongs” of the complainant’s *Miranda* claim. The judicial complaint further alleges that the district judge’s written response to the complainant were “very rude” in tone. The judicial complaint also challenges the district judge’s use of quotations from the complainant’s trial in the order denying the § 2255 motion. Finally, the judicial complaint alleges that the district judge “is NOT neutral and has a vendetta against sex offenders” like the complainant.

To the extent the judicial complaint challenges the district judge’s orders, 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 tone of the district judge’s orders was rude and that the district judge was biased against the complainant, such allegations are “frivolous, lacking sufficient evidence to raise an

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.

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. *See* J.C.U.S. Rule 11(c)(1)(A).

August 28, 2023

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