

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-24-90015

In re Complaint of John Doe*

This is a complaint by a criminal defendant against a district judge who presided over his federal criminal case and later dismissed his civil complaint seeking to initiate attorney disciplinary proceedings against his former defense counsel.

The judicial complaint alleges that the judge was biased in dismissing the civil complaint. The civil complaint asserted that defense counsel committed misconduct with respect to the complainant's global plea agreement. In that agreement, the complainant pleaded guilty to two state charges of sexual abuse in exchange for dismissal of a federal charge. The complainant asserts the judge must have been biased against him because defense counsel advised him that the judge was "likely to impose a very harsh sentence on complainant in federal court given his history, the offense conduct, and her particular disdain for sex offenders." The complainant asserts that the judge's alleged "disdain for sex offenders" proves that he did not receive fair consideration of his civil complaint. The judge found no basis to initiate disciplinary proceedings against defense counsel, and informed the complainant that her decision did not prevent him from filing a complaint with the state's attorney disciplinary board. The complaint requests appropriate action to address the judge's alleged misconduct in responding to the complaint against counsel.

*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.

Insofar as the judicial complaint challenges the judge’s order dismissing the civil complaint, the judicial complaint must be dismissed as “directly related to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); *see* Rule 4(b)(1) (misconduct does not include “an allegation that calls into question the correctness of a judge’s ruling”). To the extent that the complainant alleges that the judge dismissed his civil complaint because she disdains sex offenders like him, the allegation is “frivolous” or “lacking sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(C), (D).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: May 22, 2024
