

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-24-90021

In re Complaint of John Doe*

This is a judicial misconduct complaint by a state prisoner against the district judge who dismissed his petition for writ of habeas corpus under 28 U.S.C. § 2254, and against the circuit judges who dismissed his appeal.

The habeas petition states that the complainant is serving a three-year sentence in Missouri, apparently for violating an order of protection. One ground for relief stated in his petition is alleged “Racketeering” in regard to the murder of the complainant’s wife. The complainant says that his wife was last seen around July 2014.

In this proceeding, the complainant alleges that “instead of notifying authorities” about his wife’s murder, the district judge dismissed the petition without construing it liberally. The complainant makes no allegations of misconduct against the circuit judges, but repeats his habeas petition’s allegations of wrongdoing by various state court judges, state court staff, state prosecutors, and other state officials.

Insofar as the federal judges are concerned, the complaint simply challenges the dismissal of the complainant’s habeas petition and appeal. The judicial complaint therefore must be dismissed as “directly related to the merits of a decision or

*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.

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”). The allegations related to state judges, staff, prosecutors, and others are not within the purview of these judicial misconduct proceedings. *See* 28 U.S.C. § 351(d) (defining “judge” subject to complaint process as federal circuit judge, district judge, bankruptcy judge, or magistrate judge).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: July 8, 2024
