

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-24-90027

JCP No. 08-24-90028

JCP No. 08-24-90041

JCP No. 08-24-90042

In re Complaints of John Doe*

These are judicial misconduct complaints by a criminal defendant against several judicial officers: the district judge and magistrate judge who are presiding in his case, and the district judge and magistrate judge who were presiding over his case before they recused themselves due to the specific facts and victims in the case.

In his complaints, the complainant asserts that the court will not “respect [his] right to have another counsel or lawyer,” and explains why he believes that counsel is not adequately representing him. He acknowledges that he has undergone a mental competency evaluation, but states he does not understand why he has not had a speedy trial or why he is in a county jail. The complainant attaches the magistrate judge’s order of April 24, 2024, denying his motion for new counsel. He also attaches an order of the district judge directing that all communications with the court must be in writing because the complainant “has been calling the Clerk’s Office . . . on a regular basis,” and “[s]taff have endured yelling, screaming and other inappropriate behavior.”

*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 complaints challenge the magistrate judge's order denying new counsel, or any earlier rulings related to competency, the complaints 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"). The complaint is otherwise dismissed as failing to allege any potentially cognizable misconduct by the judges. *See* Rule 4(a), Rule 11(c)(1)(A), (C).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: July 8, 2024
