

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-24-90029

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In re Complaint of John Doe\*

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This is a judicial misconduct complaint by a federal prisoner against the district judge assigned to preside over proceedings to determine the prisoner's mental condition under 18 U.S.C. § 4245.

The docket reflects that the government filed a petition to determine the complainant's mental condition in June 2014, and the district judge entered judgment in October 2014. Since then, the government has filed annual reports, most recently in October 2023. On February 26, 2024, the complainant filed a pro se "motion to quash," and a magistrate judge denied it the next day because the complainant was required to address the court through his attorney.

The complainant alleges that his "'motion to quash civil commitment' has not been communicated or considered." The record shows, however, that the motion was promptly resolved. In any event, the allegation of delay in rendering a ruling must be dismissed as merits-related. *See* Rule 4(b)(2) (misconduct does not include "an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases").

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\*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.

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton  
Chief Judge

Filed: July 8, 2024

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