

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-24-90047

In re Complaint of John Doe*

This is a judicial complaint by a criminal defendant against a district judge who granted his motion to recuse all judges in the district due to the circumstances of the case. The case was then transferred to another district.

The judicial complaint appears to allege that the complainant has not been provided with certain discovery—a telephone call that formed the basis of the charge against him. The complaint also questions why the judge filed an order under seal. The complainant asserts that he needs a trial and a new lawyer to help him. He acknowledges that he was taken to a federal facility for a mental competency evaluation, but states that he does not understand why he was returned to a county jail or why he is still waiting there. The complaint also mentions the actions of two magistrate judges who were involved in the case before the transfer, and a magistrate judge and a district judge who are currently involved in his case.

The complainant attaches part of his psychological evaluation, which concluded in February 2024 that he is incompetent to stand trial and that he should be committed for treatment. The complainant also attaches an incident report from the Federal Bureau of Prisons indicating the complainant possessed an unauthorized item.

*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 correctness of the judge's decisions or rulings, the 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"). The complaint is otherwise dismissed as failing to allege any potentially cognizable misconduct by the judge. *See* Rule 4(a), Rule 11(c)(1)(A), (C).

The complaint's allegations of misconduct by the magistrate judges and the other district judge are repetitive of the complainant's prior judicial complaints against them and dismissed for the reasons stated in *In re Complaints of John Doe*, Nos. 08-24-90027, 08-24-90028, 08-24-90041 & 08-24-90042 (8th Cir. C.J. July 8, 2024).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: October 15, 2024
