

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-24-90051

In re Complaint of John Doe*

This is a judicial complaint filed by a criminal defendant against a district judge who resolved his motion to reduce sentence.

The complainant asserts that the reduction of his sentence by 32 months “allows immediate halfway house and/or home confinement placement.” The complainant alleges that the judge “has failed to forward the necessary information regarding the sentence reduction to the Federal Bureau of Prisons, so that [he] can be submitted for halfway house and/or home confinement.” The complainant states that he “is simply requesting that [the judge] provide the FBOP with the information needed to update [his] projected release date.”

The record shows the complainant was originally sentenced to 324 months in prison on January 13, 2009. On June 6, 2024, the judge reduced the complainant’s sentence to 292 months in prison. The inmate locator for the Bureau of Prisons shows that the complainant’s release date is June 10, 2027.

Cognizable misconduct does not include an allegation that is directly related to the merits of a decision or that calls into question the correctness of a judge’s ruling. 28 U.S.C. § 352(b)(1)(A)(ii); Rule 4(b)(1). The complainant’s allegation that

*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.

the judge failed to make a particular communication to the Bureau of Prisons about the disposition of the complainant's motion is directly related to the merits of the case and does not establish cognizable misconduct. The complainant may seek action in his criminal case by filing an appropriate motion in the district court.

For this reason, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: October 17, 2024
