

# JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-24-90058

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In re Complaint of John Doe\*

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This a judicial misconduct complaint by a state criminal defendant against a district judge who was presiding over the defendant’s petition to remove his closed state criminal case to federal court.

The complaint alleges that the judge “is subjecting his notice of removal to unnecessary delay of examination.”

The complainant pleaded guilty in state court and was sentenced in 2014. His conviction and sentence were affirmed on appeal. The complainant filed a federal petition for writ of habeas corpus; the petition was denied in 2020. In March 2024, the complainant filed a “Petition of Notice of Removal” in the district court. In July 2024, five days before the complainant filed this judicial complaint, the judge denied the petition for removal and dismissed the action.

“Cognizable 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.” Rule 4(b)(2). Here, the complaint alleges neither improper motive nor habitual delay. The judge issued an order denying the petition about four months

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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.

after the petition was filed. To the extent that the complaint may be construed as challenging the denial, 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”).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton  
Chief Judge

Filed: October 17, 2024

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