

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-24-90061 through 08-24-90074

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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 every circuit judge of the United States Court of Appeals for the Eighth Circuit.

When the judicial complaint names all active circuit judges as respondents, the Judicial Council “may determine whether to request a transfer [to another circuit] under Rule 26, or, in the interest of sound judicial administration, to permit the chief judge to dispose of the complaint on the merits.” Rule 25(f). The Judicial Council has voted to permit the chief judge to decide the merits of this complaint.

In the underlying criminal case, the complainant was convicted of receipt of child pornography. The district court appointed a public defender to file a motion for relief from the sentence imposed under an amendment to the United States Sentencing Guidelines if the public defender determined that the complainant qualified for relief. The public defender determined that complainant did not qualify for relief and filed a motion to withdraw from representation. The district court granted the motion to withdraw, but considered the complainant’s *pro se* motion to reduce his sentence, and denied the motion. The complainant appealed the denial. A panel of three circuit judges, who are among the subjects of this complaint, summarily affirmed. The complainant’s petition for rehearing was denied as untimely.

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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.

The complainant appears to allege that the judges had an unspecified “conflict of interest” in affirming the district court’s denial of a sentence reduction and in denying his motion for rehearing as untimely. The complainant asserts that he is a Congressional whistle-blower and a confirmed witness for a Member of Congress, that his case is still under investigation by Congress, that tampering with a witness is a serious offense, and that Google—not he—broke the law. The complaint alleges that the judges are “reckless” and appears to suggest that they may be impeached and removed from office for “prosecut[ing] a citizen by fraud and false statements.” The complaint also asserts that the judges made no ruling on the order appointing the public defender.

“Cognizable misconduct does not include an allegation that calls into question the correctness of a judge’s ruling.” Rule 4(b)(1). The complaint’s allegations challenging the correctness of the judges’ decisions, including the summary affirmance and the denial of the petition for rehearing, must be dismissed as “directly related to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); Rule 11(c)(1)(B). To the extent that the complaint otherwise alleges judicial misconduct, the complaint’s allegations are frivolous and “lacking sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(C), (D).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton  
Chief Judge

Filed: December 3, 2024

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