

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-24-90077

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In re Complaint of John Doe\*

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This is a judicial misconduct complaint by a criminal defendant against a magistrate judge presiding in his case.

The complainant alleges that the magistrate judge had him sent to a psychiatric evaluation without his consent, denied him his right to proceed *pro se*, denied him fair bail, denied him his right to know the nature and cause of the action against him, and denied him the right to see all evidence and legal material. The complainant also asserts that the judge made false claims that he has a mental disease, despite his production of “authenticated certified copy of live birth to support that [he is] the beneficiary, a living man non-decedent (not lost at sea) and [he does] not consent.” As exhibits, the complainant attaches the judge’s order directing that a hearing be held on the complainant’s mental competency and that a psychiatric examination of the complainant be conducted before the hearing. In the order, the judge stated that, based on the complainant’s behavior in hearings before the court, there was reasonable cause to believe he may be incompetent to stand trial.

The record show that the complainant was later evaluated and found competent to stand trial. The complainant remains detained pending trial. His recent motion for

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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.

discovery was denied in part and granted in part. Earlier in the case, the judge appointed counsel because of the complainant's failure to respond to questions.

“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 judge’s decisions—including those about ordering a competency hearing, ordering appointment of counsel, or regarding discover—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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