

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-24-90085

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In re Complaint of John Doe*

This is a judicial misconduct complaint by a criminal defendant against a magistrate judge and a district judge.

The complainant alleges that he has been subjected to poor medical treatment at the county jail, the prosecutor allowed false statements to be used at the grand jury proceedings and filed a false indictment, the magistrate judge denied him pretrial release at the detention hearing, his indictment should have been dismissed with prejudice or sent to the state court, and the federal court lacks subject matter jurisdiction.

The record shows that the complainant appeared with his attorney at a hearing regarding pretrial detention. The magistrate judge noted that, due to the criminal charge and the existence of probable cause to believe that the complainant committed the offense, there was a rebuttable presumption that there were no conditions that would reasonably assure the complainant's appearance at all proceedings and the safety of the community. The magistrate judge considered the relevant statutory factors and found that the complainant was a flight risk and a danger to the

*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.

community. The magistrate judge thus issued an order that the complainant be detained pending trial.

“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 magistrate judge’s denial of pretrial release 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). The complaint is otherwise “lacking sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(D). The complaint makes no allegations about the district judge, who is not presiding in the complainant’s case. The allegations about the prosecutor are not subject to the Judicial Conduct and Disability Act. See 28 U.S.C. § 351(a); Rule 11(c)(1)(G) (allowing dismissal of allegations not appropriate for consideration under the Act).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: December 4, 2024
