

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-24-90107

In re Complaint of John Doe*

This is a judicial misconduct complaint by a criminal defendant against a circuit judge who dismissed his prior judicial complaints.

The complainant alleges that there were improper *ex parte* e-mail communications between his defense attorney, the prosecutor, and the district court resulting in the recusal of a magistrate judge. The complainant states that he asked other specific magistrate and district judges to report the recused magistrate judge, but when they did not, the complainant “reported” them for failing to do so. The complainant states that he sent the circuit judge a document explaining “the actions and federal crimes that were committed by everyone involved . . . but he refused to take appropriate action against his fellow . . . judges.” The complainant also states that he recently filed a judicial complaint about the e-mails against the district judge who is currently presiding in his criminal case, and that the circuit judge has failed to remove the district judge.

The record shows that the complainant “reported” magistrate and district judges by filing prior judicial complaints against them about the alleged misconduct. The circuit judge—then the chief judge of the circuit—dismissed the complaints. *See In re Complaint of John Doe*, No. 08-22-90043 (8th Cir. July 21, 2022); *In re*

*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.

Complaint of John Doe, No. 08-22-90052 (8th Cir. July 25, 2022); *In re Complaint of John Doe*, No. 08-22-90105 (8th Cir. July 3, 2023); *In re Complaint of John Doe*, No. 08-23-90091 (8th Cir. Aug. 15, 2023).

“Cognizable misconduct does not include allegations that call into question the correctness of a judge’s ruling.” Rule 4(b)(1). Such rulings include the dismissal of a prior judicial misconduct complaint. *See* Rule 4(b)(1) commentary (complaint challenging correctness of judge’s determination to dismiss prior misconduct complaint is properly dismissed as merits-related). The complaint’s allegations about the circuit judge’s dismissals of the prior judicial complaints are merits-related and must be dismissed. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Rule 11(c)(1)(B). To the extent that the complaint alleges improper motive or other misconduct, the allegations are dismissed as “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). The circuit judge is not presiding over the recent judicial complaint about the current district judge.

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: November 1, 2024
