

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-24-90118

JCP No. 08-24-90119

JCP No. 08-24-90120

In re Complaint of John Doe*

This is a judicial misconduct complaint by an appellant against three circuit judges.

The complainant pleaded guilty to witness tampering and was sentenced in state court. The district court dismissed the complainant's petition for a writ of habeas corpus without prejudice for failure to exhaust available state remedies. The complainant appealed. The subject judges denied the complainant's application for a certificate of appealability and entered a judgment dismissing the appeal. The judgment stated that the court had "carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied." The circuit judges also denied the complainant's pending motions.

The judicial complaint alleges that the judges engaged in improper conduct in rendering the judgment "without ruling on any merit within the appeal or petition entirely." The complaint asserts that the "judges dismissed a petition that shows undisputable constitutional violations," and that their dismissal of the petition is a miscarriage of justice. A transcript of the complainant's change of plea and

*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.

sentencing hearing is attached to the complaint. The complainant asserts that the transcript shows he was “illegally convicted.”

The judicial complaint simply challenges the decision of the circuit judges on the complainant’s application for a certificate of appealability, and it 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).

For this reason, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: April 8, 2025
