

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-24-90121

In re Complaint of John Doe*

This is a judicial misconduct complaint by a criminal defendant against the district judge who is presiding over his case.

The complainant alleges that on or about November 8, 2023, “a change of plea was accepted” in the judge’s courtroom. The complainant asserts that “a plea of not guilty . . . was changed to guilty. The guilty plea was granted by the court and the status was changed to a sentencing hearing. The plea that was accepted by the court was an act of judicial misconduct.”

The complainant asserts that he never agreed to plead guilty. After stating that a judge is obliged to report misconduct by another judge, the complainant asserts that a magistrate judge wrongly refused to reinstate his release at a pretrial bond hearing on June 17, 2024, because the complainant did not illegally violate the bond. The complaint quotes from the Code of Conduct for United States Judges, Canon 3C(1), which provides that a judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned, including instances of personal bias or prejudice. The complaint makes no accompanying factual allegations about partiality.

*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.

In the underlying case, on September 26, 2023, the judge entered a text order cancelling the jury trial and setting a change of plea hearing “at the request of the defendant.” The judge rescheduled the hearing twice. On November 15, 2023, the judge cancelled the hearing and scheduled a jury trial. On June 17, 2024, a magistrate judge, who is not a subject of the judicial complaint, entered an order of detention and remanded the complainant to custody.

Contrary to the complainant’s allegation, the judge did not accept a guilty plea from him without his consent. The judge merely scheduled a change of plea hearing at defense counsel’s request. This is not cognizable misconduct. The judge was not obliged to “report” the magistrate judge for entering a detention order after a hearing because there was no evidence of misconduct to report. The complainant’s indirect, conclusory allegation of improper motive is dismissed as frivolous and unsupported by any evidence permitting an inference of misconduct. *See* Rule 11(c)(1)(C), (D).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: April 8, 2025
