

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90010

In re Complaint of John Doe*

This is a complaint of judicial misconduct filed by an inmate against a district judge who presided in his criminal case and habeas corpus action.

The complainant alleges that the judge violated his due process rights to a fair and unbiased legal process at his sentencing. The complainant alleges that he was “singled out by [his] ethnicity and further portrayed as victimizing other ethnic groups by [his] supposed criminal actions.” The complainant notes that he raised this claim of judicial bias in his habeas action. He asserts that evidence supporting the claim is referenced there.

The record shows that the complainant pleaded guilty to conspiracy to violate the Arms Export Control Act for illegally exporting firearm parts from the United States to Mexico. At sentencing, the complainant acknowledged that he used parts to alter or repair firearms there for members of a Mexican cartel. The government sought an upward variance from the guideline range of 70-87 months to the statutory maximum sentence of twenty years’ imprisonment based in part on violence effected by cartels with firearms. The judge acknowledged the absence of record evidence connecting the complainant’s crimes to specific injuries or deaths, and doubted 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.

ability to take into account violence of cartels because no evidence had been presented specifically about gun-related deaths. The judge rejected the government's position but varied upward from the guideline range to a lesser degree. The court imposed a sentence of 144 months' imprisonment "to deter future criminal activity by others who may be thinking about going to Mexico and to reflect the seriousness of the offense here." The sentence was affirmed on appeal.

In the complainant's habeas corpus action, he alleged that the judge "separated [him] based on his race as a 'white man' being extorted by cartels in Mexico." According to the complainant, he told the court that he was a small business owner being extorted, not a white man being extorted. The judge denied relief. In rejecting the claim of judicial bias, the judge stated that he had absolutely no bias against the complainant and knew nothing about him other than the facts of his case.

"Cognizable misconduct includes intentional discrimination on the basis of race." Rule 4(a)(3). In this case, however, the complainant's allegations of discrimination or bias lack any factual foundation in the record. *See* 28 U.S.C. § 352(b)(1)(B). The sentencing transcript does not show that the complainant was singled out for his ethnicity or that the judge had an improper bias due to the complainant's race. The judge's reference to the complainant's status as "a white guy from the United States" who was extorted by Mexican cartel members was simply a recitation of the complainant's argument as the judge understood it. The record does not show that the judge considered race in any way when fashioning a sentence. To the extent the complaint challenges the judge's sentencing decision, the complaint must be dismissed as directly related to the merits of a decision or procedural ruling. *See* Rule 11(c)(1)(B).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: September 15, 2025
