

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90013

In re Complaint of John Doe*

This is a complaint of judicial misconduct filed by an inmate against the magistrate judge assigned to his criminal case.

The complaint alleges that the judge “arbitrarily used judicial power against the complainant to conceal, obstruct, and/or impede [his] efforts to give the district court notice of the professional and/or criminal misconduct” of his court-appointed attorneys and the prosecutor. The complainant asserts that the alleged concealment forced him “to involuntarily waive his . . . rights to a speedy trial.”

The complaint also alleges that the judge “issued arbitrary directives” to the deputy clerk “to return numerous memorandums that the complainant attempted to file.” The complainant describes the memoranda as giving notice that (1) the prosecutor and defense counsel “withheld [] unlawfully seized electronic surveillance evidence from complainant between March 20, 2024 and July 2024,” thus preventing filing of pretrial motions, (2) the prosecutor represented “the political and/or personal conflicting interests” of three special agents, (3) the judge acted in excess of his authority and jurisdiction in issuing an order on March 11, 2024, rejecting a claim that an agent denied the complainant’s request for an attorney during a custodial

*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.

interrogation, and (4) the prosecutor tried to induce the complainant to commit perjury by pleading guilty.

The complaint alleges that the judge “arbitrarily tilted the scales of justice in favor of the government.” According to the complainant, an examination of records from certain dates—March 11, June 3, and July 16 in 2024, and February 28, 2025—will show the judge “undermined, impeded, and obstructed” the complainant’s attempts to vindicate his rights.

The record shows that on March 11, 2024, after a hearing on the complainant’s motion raising issues related to correspondence with counsel, the judge issued an order stating the complainant had indicated he was satisfied with counsel and not seeking new counsel. The judge thus found no basis for any relief regarding counsel. The judge also issued an order that denied the complainant’s *pro se* request for relief from “multiplicitous counts of indictment.” The judge stated the request did not appear to raise any cognizable concerns, and a represented defendant must normally communicate with the court through counsel. On June 3, 2024, the judge held a motion hearing and granted the complainant’s motion for extension of time to file pretrial motions.

On July 16, 2024, the judge granted another extension of time to file pretrial motions. The judge dismissed the complainant’s *pro se* motion to dismiss the indictment. The order of dismissal stated that the complainant was represented by counsel and had confirmed that he wanted representation, and thus the judge would not formally consider the substance of the complainant’s *pro se* correspondence.

The complainant alleges that on February 28, 2025, the judge stated in open court that he would not appoint another attorney to represent the complainant if he continued to report attorney misconduct. The record shows that on that date, defense counsel filed a motion to withdraw. The judge granted the motion, granted an

extension of time to file pretrial motions, and appointed another attorney to represent the complainant.

The complaint is dismissed as “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). Nothing in the record demonstrates any improper bias against the complainant. *See* Rule 4(b)(1). Insofar as the judicial complaint challenges the judge’s orders and directives, those allegations 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 these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: September 15, 2025
