

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90015

In re Complaint of John Doe*

This is a complaint of judicial misconduct filed by a prisoner against a district judge who presided in his criminal case.

The complainant makes a general allegation that the judge was biased and prejudiced against him. In support of the allegation, the complainant asserts that the judge (1) did not give him “a proper chance” to confront his accuser, (2) violated his “right to have a super witness,” (3) allowed the prosecutor to ask leading questions and the government’s witnesses to lie, (4) allowed information about his prior convictions to be included in jury instructions, (5) submitted the case to the jury after he was told that he was granted a mistrial, and (6) denied his request for a copy of the docket sheet, sentencing transcript, statement of reasons, and judgment and commitment order. The complainant also states that he was never provided an attorney.

The record shows that the complainant was charged with forcibly assaulting a federal law enforcement officer and with unlawful possession of a firearm as a felon. Several attorneys were appointed to represent the complainant during the proceedings. About a week before trial, the judge denied the complainant’s fourteen

*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.

pro se motions, including one for a “super witness,” because the complainant was represented by counsel. The complainant chose not to testify at trial.

During the reading of jury instructions, defense counsel moved for a mistrial because an instruction regarding the elements of the felon-in-possession charge contained details about the complainant’s prior convictions. The details did not come into evidence during the trial and had been excluded through a motion *in limine*. The parties and the judge acknowledged that the inclusion was an oversight. The judge deleted the information from the instruction, directed the jury to ignore the information, and denied a mistrial. The judge later denied the complainant’s motion for a new trial on the same grounds.

With the assistance of counsel, the complainant filed an appeal asserting that the court “erred in failing to grant a new trial because it placed before the jury prejudicial ‘other crimes’ evidence which had been correctly excluded.” About four months after filing his appeal, the complainant filed a *pro se* motion in the district court requesting copies of the docket sheet, sentencing transcripts, statement of reasons, and judgment and commitment. The judge denied the motion.

The complaint’s 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). Although some of the allegations may identify grounds that could be raised for consideration on appeal, they do not establish judicial misconduct. *See* Rule 4(b)(1) (misconduct does not include “an allegation that calls into question the correctness of a judge’s ruling”). The complaint’s general allegation of bias and prejudice is “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).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: October 6, 2025
