

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90017

In re Complaint of John Doe*

This is a judicial misconduct complaint by a criminal defendant against the magistrate judge who is assigned to his criminal case.

In his judicial complaint, the complainant alleges that he was “forced into the court” before the judge on two dates in February 2025, despite his lack of consent to the court’s jurisdiction. The complainant alleges that on the first date, the judge “continued to hold [a] competency hearing while constantly talking over and ignoring the [complainant],” who “continued to restate” his lack of consent to jurisdiction “over the judge, the prosecutor . . . , and [appointed defense counsel].” The complainant alleges that the judge, the prosecutor, and defense counsel are colluding “to gain power and jurisdiction over [the] complainant by continu[ing] to hold frivolous hearings,” including the hearing held on the second date regarding competency and self-representation.

The record shows that at the hearings, the complainant “continue[d] to speak repeatedly during court proceedings” and “continued to make repetitive statements not relevant” to the court’s inquiries, including those about appointed counsel. The judge expressed concern that the complainant’s conduct might disqualify him from self-representation, and stated that defense counsel would remain appointed.

*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.

The complainant's allegation that the judge required him to attend his own court proceedings is dismissed because the conduct is "not prejudicial to the effective and expeditious administration of the business of the courts." *See* Rule 11(c)(1)(A). The allegation that the judge talked over the complainant at his competency hearing, even if true, is dismissed for the same reason. *See Illinois v. Allen*, 397 U.S. 337, 343 (1970) (judges confronted with disruptive defendants have discretion to meet circumstances and manage conduct in their courtrooms). The allegation that the judge conspired with the prosecutor and defense counsel to gain jurisdiction over the complainant is dismissed as frivolous. *See* Rule 11(c)(1)(C). Insofar as the complaint can be construed as challenging the complainant's continued representation by appointed counsel, the challenge is dismissed as "directly related to the merits of a decision or procedural ruling." *See* Rule 11(c)(1)(B). Neither the complaint nor the record contain any evidence permitting an inference of judicial misconduct by the judge. *See* Rule 11(c)(1)(D).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: April 4, 2025
