

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-25-90022

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In re Complaint of John Doe\*

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This is a complaint of judicial misconduct filed by a plaintiff against a district judge and a magistrate judge who are assigned to his civil case.

The complainant alleges that (1) the magistrate judge incorrectly denied his motions to proceed *in forma pauperis* and for appointment of counsel, and the district judge erroneously affirmed the denials, (2) he filed a motion to recuse the magistrate judge “on the grounds that [the magistrate judge] demonstrated bias against [him] by deliberately refusing to recognize or acknowledge [his] documented mental disability,” and by misinterpreting his claims in a prior case and recommending their dismissal, (3) the magistrate judge “has proven her bias against [him] for being a former sex-offender, being under ‘civil’ commitment, for being mentally disabled, [and] for being white, male, heterosexual, and middle-class,” (4) his allegations are “clear evidence” that he was treated in a demonstrably egregious and hostile manner and discriminated against in violation of Rules 4(a)(2)(B) and 4(a)(3), (5) the court’s refusal to appoint counsel is due to bias, discrimination, and retaliation, and (6) denial of e-filing privileges for his trial exhibits denies him access to the courts and discriminates against him because he is *pro se*.

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\*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 record shows that the complainant filed a civil rights lawsuit alleging deliberate indifference to his serious medical, physical, and psychological needs during confinement in a state sex offender program. The magistrate judge denied the complainant's application for leave to proceed *in forma pauperis* and his motion seeking the magistrate judge's recusal. The magistrate judge granted the complainant extra time to serve the defendants, and to respond to motions to dismiss due to his detained status and related mail delays. The magistrate judge later issued a report recommending that some of the claims be dismissed and that other claims be allowed to proceed. The district judge adopted the report and recommendation. The magistrate judge ordered that discovery documents be produced in a format that the complainant could access. The complainant sought permission to file exhibits electronically and for an exemption from fees. The magistrate judge denied permission. The complainant filed another motion to appoint counsel. The magistrate judge denied the motion, and the district judge affirmed the denial. The case remains pending.

Cognizable misconduct includes treating litigants “in a demonstratively egregious and hostile manner,” *see* Rule 4(a)(2)(B), and “intentional discrimination on the basis of race, color, sex, gender . . . or disability,” *see* Rule 4(a)(3). The complainant alleges violations of these Rules, but identifies nothing other than adverse rulings to support the general allegations. Nothing in the allegations or record demonstrate intentional discrimination, bias, retaliation, or an egregious and hostile manner on the part of the judges. Similarly, the complainant's allegations that the judges violated Canon 1 (judge should uphold the integrity and independence of the judiciary), Canon 2 (judge should avoid impropriety and appearance of impropriety in all activities), and Canon 3A (judge should perform the duties of the office fairly, impartially, and diligently), are conclusory and unsupported.

To the extent that the complaint argues the merits of the judge's decisions—including those on the motions to proceed *in forma pauperis*, for

appointment of counsel, and for recusal—the complaint 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). The complaint is otherwise 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).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton  
Chief Judge

Filed: October 6, 2025

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