

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-25-90038

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In re Complaint of John Doe\*

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This is the fifth complaint of judicial misconduct by a prisoner against a judge who presided over his criminal case.

The complainant was convicted of conspiring to distribute fentanyl and controlled substance analogues including 4-FA, and of distributing a mixture containing fentanyl that resulted in the death of ten persons. Much of the record in the complainant's criminal case is summarized in the order dismissing his fourth complaint of judicial misconduct. *In re Complaint of John Doe*, No. 08-24-90040 (C.J. 8th Cir. Sept. 19, 2024).

The current complaint appears to challenge the judge's denial of the complainant's pretrial motion in limine, which sought to exclude the admission of e-mails between the complainant his supplier of 4-FA in China. The complaint contends that in denying the motion, the judge stated that the e-mails showed that there was a conspiracy to distribute illegal drugs in the United States and that the complainant facilitated the sale of more than 2,000 grams of five different types of drugs. The complaint asserts that the drugs referenced in the e-mails were not federal controlled substances and that only one was targeted by the indictment. The complainant alleges that the jury never considered whether the substances were

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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.

illegal drugs, and judge's statement was likely influenced by an extrajudicial source such as Google.

The complaint speculates that “maybe [the judge] simply regurgitated the government’s rhetoric [which] smells of partiality,” or “maybe [the judge] believed the items were illegal and drugs solely because of their place of origin: China.” The complaint alleges that the judge placed unusual emphasis on the fact that the drugs were from China, and asserts the alleged excessive emphasis was likely intended to be a “xenophobic, or even racist, dog whistle because many people believe that China is the cause of this country’s fentanyl crisis.” The complainant alleges that the crisis is also blamed on Mexico and that his surname can be mistaken for one that is Spanish.

The record shows that the motion in limine sought to exclude the supplier’s e-mail communications with the complainant as inadmissible hearsay. The judge found that the communications included more than sixty e-mail exchanges between the complainant and the supplier over the course of 17 months that facilitated the sale of more than 2,000 grams of five different types of drugs. The judge rejected the assertion that there was a mere buyer-seller relationship, citing evidence of multiple transactions involving large quantities of drugs, the supplier’s knowledge of the complainant’s drug business, their ongoing relationship, and efforts at maintaining secrecy. The judge found that the government had met its burden to show there was a conspiracy between the supplier and the complainant. The judge concluded that the supplier’s statements were admissible as statements of a co-conspirator in furtherance of a conspiracy, and denied the motion in limine.

Insofar as the complaint alleges that the judge was partial, biased, or had an improper motive for denying the motion in limine, the allegation is unsupported and dismissed as merits-related. *See In re Complaint of John Doe*, No. 08-10-90026 (8th Cir. C.J. Aug. 19, 2010) (although allegations of judicial bias are not necessarily

merits related, allegations must be dismissed as merits related when their support consists only of adverse rulings); *see also* Rule 11(c)(1)(B) (providing for dismissal of judicial complaint that is directly related to merits of judicial decision). To the extent that the complaint's allegations are not merits-related, they are frivolous or lacking sufficient evidence to raise an inference that misconduct has occurred. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(C), (D).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton  
Chief Judge

Filed: October 14, 2025

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