

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90041

In re Complaint of John Doe*

This is a complaint of judicial misconduct by an inmate against a district judge who presided in his criminal case and his case seeking post-conviction relief.

The complainant states that his judicial complaint stems from hearings on forfeiture and sentencing in his criminal case in December 2020. The complaint alleges that the judge should not have imposed a fine in the same amount as seized funds that were not drug proceeds. The complaint also alleges that the judge incorrectly sentenced him because his “guidelines and drug weight [were] falsified.” The complainant asserts that the judge failed to ask him whether he wanted to withdraw his guilty plea, to inform him that he faced steeper penalties than those provided in the plea agreement, and to reject the plea based on allegedly unlawful career offender findings. The complainant also alleges that the judge incorrectly denied his motion for post-conviction relief because the judge did not address several issues. The complainant adds that he requested his case file and the judge refused to let him have it. The complainant alleges that he has been treated unfairly and that the judge has shown prejudice.

The record shows that the defendant pleaded guilty to a drug offense. The plea agreement specified the statutory maximum term of imprisonment and fine, but did

*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.

not specify a drug quantity or that a certain sentence or sentencing range was the appropriate disposition of the case. At a forfeiture hearing, the judge found that certain funds were drug proceeds but not subject to forfeiture because they did not have a sufficient nexus to the offense of conviction.

At sentencing, the judge found that the complainant was a career offender. The judge varied downward from the advisory guidelines range, however, and imposed a sentence below the statutory maximum and within the range that would have applied if the complainant had not been a career offender. The judge imposed a fine in the amount of the drug proceeds that were not subject to forfeiture. The court granted the complainant's motion to stay imposition of the fine pending a decision on appeal. The court of appeals affirmed the fine and upheld the determination that he was a career offender.

The complainant then filed a claim for post-conviction relief, alleging ineffective assistance of counsel. The judge summarily dismissed the petition after finding the claims lacked any arguable merit. The judge denied a certificate of appealability, and the complainant sought a certificate from the court of appeals. The complainant later filed a motion to compel defense counsel to turn over his case file. The judge denied the motion for lack of jurisdiction due to the pending appeal. The court of appeals then denied the application for a certificate of appealability.

The complaint's allegations about forfeiture, sentencing, and the denial of post-conviction relief are 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 conclusory allegations of unfair treatment and bias are "lacking sufficient evidence to raise an inference that misconduct has occurred." Rule 11(c)(1)(D). The record shows no unfair treatment or bias by the judge.

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: October 14, 2025
