

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90057

JCP No. 08-25-90058

JCP No. 08-25-90059

In re Complaint of John Doe*

This is a complaint of judicial misconduct by a prisoner against three circuit judges who denied his application for a certificate of appealability and denied his petition for a writ of mandamus.

After the complainant pleaded guilty to conspiracy to distribute a specified quantity of a particular drug, he was sentenced to the statutory mandatory minimum sentence as specified in his plea agreement. He filed a motion for post-conviction relief claiming that counsel was ineffective for failing to challenge the lack of a laboratory report regarding the drugs. The district court denied the motion as untimely.

The complainant appealed and filed an application for a certificate of appealability. The complainant also filed a motion to supplement the record on appeal with his affidavit and a federal tort claim. The clerk entered an order stating that the motion would be “taken with the case for consideration by the panel to which [the] case is submitted for disposition on the merits.” The circuit judges denied the

*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.

complainant's application for a certificate of appealability, denied his motion to supplement the record, and dismissed his appeal.

The complainant filed a petition for a writ of mandamus seeking an order directing the district court to rule on a pending post-judgment motion that had been pending for 34 days in the complainant's action for postconviction relief. Eighteen days later, the circuit judges denied the petition.

Regarding his appeal, the complainant alleges that the judges made a "fraudulent merits review commitment," because they ordered that his "motion to supplement the appellate record with exculpatory evidence (DEA-7 lab report) would be 'taken with case for disposition on the merits,'" but they terminated the appeal without addressing the lab report or the "merits at all." The complaint alleges that, in the mandamus proceeding, the judges denied relief "despite 40+ days of inaction" on his post-judgment motion regarding the DEA-7 report pending in the district court, "effectively keeping the case frozen and unreviewed." The complaint alleges that "these rulings concealed and prevented adjudication of material innocence evidence," and the "pattern demonstrates intentional 'entrapment-by-docket' conduct under the color of law."

The complainant's allegations about the denial of his appeal, the denial of his motion to supplement, and the denial of a writ of mandamus 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 "frivolous" or "based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred." Rule 11(c)(1)(C), (D).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: October 14, 2025
