

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90061

In re Complaint of John Doe*

This is a complaint of judicial misconduct by a plaintiff against a magistrate judge assigned to his civil case.

In the underlying case, the complainant sued a health clinic, a sheriff, and others, alleging deliberate indifference to his health care needs while he was in custody at a county jail. The complaint alleges that the judge showed bias, partiality, and favoritism by sending a “notice” to defense counsel “as a warning that the defense’s window for filing an answer to the complaint was closing and suggest[ing] that the defense should file a motion for summary judgment on the issue of exhaustion.”

The complainant attaches the “notice”—a text-only docket order issued by the judge. The order provided that “[i]f Defendant(s) intend to pursue a defense . . . that Plaintiff failed to exhaust his administrative remedies before filing this lawsuit, Defendant(s) must raise the issue in a motion for summary judgment” filed within 60 days. The complainant also attaches a text-only docket order stating that one defendant had not returned a consent-request for direct assignment of the case to the magistrate judge. The order directed the clerk to send defense counsel the appropriate form and stated that the form should be returned by a certain date.

*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 complaint is dismissed as “frivolous” or “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred.” Rule 11(c)(1)(C), (D). The judge’s orders—directing the defendants to file a motion within 60 days if they intended to raise a defense, and directing one defendant to submit a consent form—promote the “effective and expeditious administration of the business of the courts” and do not constitute evidence of improper motive, bias, partiality, or favoritism. *See* Rules 4(a), (b)(1).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: October 31, 2025
