

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

---

JCP No. 08-25-90065

---

In re Complaint of John Doe\*

---

This is a complaint of judicial misconduct by a prisoner against a district judge who denied his motion for post-conviction relief.

The complainant alleges that the judge misapplied the Fifth Amendment in denying his motion to vacate his sentence. The complaint asserts that the judge “failed to make the mandatory jurisdictional findings through his disingenuous reading of the Constitution.”

The complainant was charged by indictment with several offenses. He pleaded guilty. The complainant later filed a pro se motion to vacate his sentence. The motion included a claim that the court lacked jurisdiction because the criminal case was not initiated by the filing of a complaint. In his decision denying the motion, the judge stated that the Fifth Amendment requires federal criminal charges to be brought by way of indictment.

The complaint asserts that the judge misapplied the law in his decision to deny habeas relief, but “[c]ognizable misconduct does not include an allegation that calls into question the correctness of a judge’s ruling.” Rule 4(b)(1). The complaint is

---

\*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.

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).

For this reason, the judicial complaint is dismissed.

/s/ Steven M. Colloton  
Chief Judge

Filed: December 29, 2025

---