

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90068

In re Complaint of John Doe*

This is a complaint of judicial misconduct by a pro se plaintiff against a district judge presiding in his civil case.

The complaint alleges that the judge has “taken no action to allow the case to proceed as dictated by law, and has denied justice by preventing a proper clerk’s entry of default.” The complaint asserts that [t]his inaction, and apparent instruction to the clerk constitutes a willful obstruction of procedural rights, misuse of judicial authority, and denial of access to due process, violating the judicial canons of impartiality and prompt administration of justice.” In sum, the complaint alleges that the judge (1) failed to allow the clerk to enter a default judgment, (2) engaged in conduct prejudicial to the effective and expeditious administration of court business by delaying or obstructing the process without legal basis, and (3) violated the impartial and fair administration of justice by selectively denying ministerial filings.

The complainant filed a civil action against a former Attorney General of the United States on March 26, 2025. He sought a declaration that the defendant violated his rights to due process and equal protection, injunctive relief, an award of five hundred million dollars plus interest, relief from his sentence, and immediate release from prison. The civil complaint “challeng[es] the failure of the defendant [] to

*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.

respond to the plaintiff's notice of a Constitutional Challenge of FRCP 15C(1), and motion to intervene within 60 days." The alleged failure occurred in the complainant's criminal case, which was closed in 2015.

On June 5, 2025, the complainant filed a certificate of service indicating that he had served the defendant with the complaint by delivering a copy to the defendant's last known address via certified mail with a return receipt. On July 30, the complainant filed a motion for entry of default judgment under Federal Rule of Civil Procedure 55(a). That rule provides that when a party against whom judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default. On September 8, the complainant filed a motion to compel entry of default judgment. On September 25, the complainant filed a motion to enforce default. The motions seek entry of a default judgment solely on the basis of the defendant's failure to respond. As of this date, the judge has not ruled on the motions.

The complaint's allegations are "lacking sufficient evidence to raise an inference that misconduct has occurred." Rule 11(c)(1)(D). The complainant's allegation that the judge selectively denied ministerial filings is not supported by the complaint or the record. The judge's inaction on the complainant's motions is not misconduct. "Cognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases." Rule 4(b)(2). The judicial complaint does not allege any improper motive or habitual delay in unrelated cases. Further, "[a] default judgment may be entered against United States, its officers, or its agencies only if the claimant establishes a claim or right to relief by evidence that satisfies the court." *See* Fed. R. Civ. P. 55(d).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: December 29, 2025
