

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90071

In re Complaint of John Doe*

This is a complaint of judicial misconduct by a prisoner against a district judge who is presiding in the complainant's post-conviction proceedings.

The complainant alleges that the judge has failed to rule on a report and recommendation concerning reconsideration of the denial of his motion for post-conviction relief. The complainant also asserts that the judge is "refusing" to respond to his motion for leave to file a request for compassionate release. The complainant alleges that the district court has been blocking his access to challenge his "illegal sentence."

The record shows the complainant was convicted and sentenced in 2002. The complainant's direct appeal and initial motion for post-conviction relief were unsuccessful. The complainant continued to file additional motions in the district court. In June 2011, a now-deceased district judge granted a motion by the government and directed Brown to obtain leave of court or permission from the court of appeals before filing any additional pleadings.

In November 2023, a magistrate judge recommended denying the complainant's motion for reconsideration of the order denying his motion to vacate

*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.

sentence. After the complainant filed this judicial complaint in September 2025, the subject judge adopted the magistrate judge's report and recommendation. In April 2025, the complainant filed a motion seeking permission to file a request for compassionate release. In October 2025, the subject judge referred the motion to a magistrate judge for review. Therefore, any alleged inaction by the subject district judge has been resolved.

To the extent that the complaint suggests undue delay, there is no potentially cognizable misconduct because the complaint does not allege "an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases." *See* Rule 4(b)(2). The complaint is dismissed as "based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred." Rule 11(c)(1)(D).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: November 7, 2025
