

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90072

JCP No. 08-25-90073

In re Complaint of John Doe*

These are complaints of judicial misconduct by a civil plaintiff against a district judge and a magistrate judge who are assigned to his case.

The complaints allege that the judges have “demonstrate[d] bias in effect, refusal to rule, and prejudicial delay.” Specifically, the complaints assert that the judges failed to rule on the complainant’s motion for default judgment, other motions have remained pending for more than 100 days before resolution, and the “cumulative record shows a repeated failure to decide motions within a reasonable time.” The complaints also allege that the scheduling order was not entered until about 480 days after service, and by that time, “sanctions and discovery motions had been fully briefed and ripe for months,” but “after the late scheduling order, [they] were treated on the docket as no longer active . . . leaving the documented misconduct unaddressed.” The complainant adds that he has filed motions requesting certification for interlocutory appeal, and the requests have remained “unanswered,” which has blocked his ability to seek timely review. In a supplement filed later, the complainant states that the magistrate judge had recently denied his motion for a default judgment, but was not authorized to do so, and the district judge should have decided the motion.

*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.

In his civil action, the complainant filed a 115-page pro se amended complaint against several defendants. On May 9, 2024, the district judge referred the case to the magistrate judge to handle all non-dispositive matters and to issue recommendations on all dispositive matters. The district judge observed that the case needed “a tremendous amount of care and feeding,” the plaintiff and some defendants were proceeding pro se, there had been a large and varied number of filings, and it had “taken a long time to get to even this stage.” The complainant filed his motion for default judgment against one of the defendants ten days later.

On August 21, 2025, the magistrate entered an initial scheduling order. The next day, the complainant filed a motion for reconsideration, clarification, and certification for interlocutory appeal of both the initial scheduling order and another order addressing substitution of a former defendant. The district judge acknowledged the motion, but stated that the complainant had filed a reconsideration motion addressing the same orders, and the district judge would address the pending appeal after the magistrate judge’s decision regarding reconsideration. On September 23, 2025, the complainant filed a post-discovery motion for default judgment and sanctions. In October, the magistrate judge entered a final scheduling order setting a date for a jury trial. In November, the magistrate judge denied the complainant’s motion for reconsideration of the initial scheduling order and denied certification for interlocutory appeal. On December 2, 2025, the magistrate judge denied without prejudice the complainant’s motions for default judgment and motions for sanctions. The complainant has filed an “appeal” seeking review of the denial by the district judge.

The complainant previously filed judicial complaints against the district judge and the magistrate judge making similar allegations about delay and bias. The complaints were dismissed as “lacking sufficient evidence to raise an inference that misconduct has occurred” under 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(D). *See In re Complaint of John Doe*, No. 08-24-90017 (8th Cir. C.J. July 8, 2024)

(district judge); *In re Complaint of John Doe*, No. 08-24-90057 (8th Cir. C.J. Oct. 21, 2024) (magistrate judge). The same disposition is appropriate here.

“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 current complaints do not allege an improper motive for delay or habitual delay in unrelated cases. There is no support for an inference of bias. The magistrate judge has ruled on the motions specified in the complaint, and the judge had pretrial authority to deny the motions for default judgment without prejudice. *See* 28 U.S.C. § 636(b)(1)(A) (magistrate judge may “hear and determine any pretrial matter pending before the court”); *Smith v. BloomTV LLC*, No. 24-cv-2901, 2025 WL 3443078, at *1 n.1 (D. Colo. Dec. 1, 2025) (denials of motions for default judgment without prejudice are non-dispositive orders); *Gordon v. APS Contractors Inc.*, No. 21-CV-259, 2023 WL 2574740, at *1 n.2 (E.D.N.Y. Mar. 20, 2023) (non-dispositive denial of motion for default judgment without prejudice is within magistrate judge’s authority to order). The complainant has not been blocked from seeking review.

Insofar as the complaints challenge the correctness of the judges’ rulings, the complaints must be dismissed as “directly related to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); *see* Rule 4(b)(1) (cognizable misconduct does not include “an allegation that calls into question the correctness of a judge’s ruling”).

For these reasons, the judicial complaints are dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: June 1, 2026
