

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90083

In re Complaint of John Doe*

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

The complainant alleges that the judge is biased against him as a pro se incarcerated litigant. The complainant asserts that the judge shows this alleged bias “by granting the defendants’ motions with a couple of days,” while refusing to rule on his motions for weeks. The complainant adds that some of his motions “are exactly the same type of motion the defendants have filed and have been granted.” The complainant refers to the judge’s orders granting the defendants’ motion to take the complainant’s deposition, their motion to extend initial scheduling order deadlines, and their motion for leave to file a reply brief regarding a discovery issue. He also refers to his motion for sanctions based on an allegedly inadequate notice of his deposition, his motion for clarification of text-only orders that denied his motions to subpoena prison documents and the county prosecutor, his motion for amendment of the initial scheduling order, and his motion for hearing by video.

The record shows the complainant filed a lawsuit against jail administrators and correctional officers alleging that he was assaulted after officers knowingly placed him with a dangerous cellmate. The complainant filed his motion for

*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.

sanctions on June 10, 2025, his motion for clarification of text orders on June 11, 2025, his motion for amendment of the initial scheduling order on August 4, 2025, and his motion for hearing by video on August 18, 2025. On September 10, 2025, about three months after the complainant's earliest motion, the judge granted the complainant's motion to extend deadlines, but denied the other motions either on the merits or as moot.

“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” Rule 4(b)(2). Here, the allegation of deliberate delay due to bias is speculative and lacks support in the record. All motions were resolved within about three months. Not every motion can be resolved in the same amount of time, and bias against the complainant cannot be inferred from timing alone. 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: December 29, 2025
