

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90084

In re Complaint of John Doe*

This is a complaint of judicial misconduct by an inmate against a district judge who sentenced him.

The complainant alleges that (1) at his sentencing, the judge “relied on an unsubstantiated allegation presented by the government—namely, its ‘contention’ that [he] fathered a child with [his] biological daughter when she was a minor,” (2) the contention was contradicted by findings of the state Department of Human Services and the United States Probation Office, (3) the court gave the government two months to attempt to gather evidence to support the allegation, and although the government produced no evidence, the judge imposed conditions of supervised release related to sex offenders, (4) he has never been charged with any sex offense, (5) the court of appeals vacated the special conditions of supervised release related to sex offenders, (6) the judge imposed the maximum sentence within the guidelines range, and “the record strongly suggests this was a direct result of her bias and reliance on the government’s sex-offender allegation,” (7) the judge’s imposition of the maximum sentence “demonstrated clear bias and partiality,” and (8) the asserted false allegations have harmed him.

*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.

The complainant pleaded guilty to unlawful possession of a firearm as a felon. In a response to a draft presentence report, the government argued that the report should have stated that the complainant had a child with his biological daughter when she was a minor. In its sentencing memorandum, the government did not mention the allegation, but requested a sentence above the guidelines range based on many aggravating factors, including the complainant's lengthy history of "extreme violence." At the sentencing hearing, government requested a sentence of 87 months' imprisonment, above the advisory guideline range of 57 to 71 months. After reviewing sentencing factors as applied to the complainant, and without mentioning the allegation of sexual abuse, the judge imposed a sentence of 71 months in prison because "the aggravating circumstances here are quite serious." The judge imposed later stated that certain special conditions of supervised release relating to sex offenders would apply, because there was probable cause to believe that the complainant had fathered a child with his own daughter, but that the conditions would be removed if it were established that the complainant was not the father of the child.

On appeal, the complainant challenged the special conditions, but not the sentence of imprisonment. The court of appeals held the district court abused its discretion in imposing the special conditions related to sex offenders. On remand, the district court removed the special conditions of supervision related to sex offenders, but imposed the same sentence of imprisonment.

The complaint's conclusory allegation of bias and partiality is "lacking sufficient evidence to raise an inference that misconduct has occurred." Rule 11(c)(1)(D). The complainant does not specify any part of the record or identify anything to support his allegation of bias other than the special conditions of supervised release. The judge's sentencing decision alone does not establish bias or misconduct. *See Liteky v. United States*, 510 U.S. 540, 555 (1994) (judicial rulings alone almost never constitute valid basis for inferring bias); *In re Complaint of*

Judicial Misconduct, 715 F.3d 747, 749 (9th Cir. 2013) (adverse rulings alone not proof of misconduct).

The complainant successfully employed the appellate process to challenge the judge's imposition of certain conditions of supervised release, but he did not challenge the term of imprisonment on appeal. That the court of appeals vacated the conditions of supervised release does not establish improper bias or misconduct in the complainant's case. The complainant cannot use the judicial complaint process to challenge the length of his sentence. *See* Rule 4(b)(1) (cognizable misconduct does not include allegation calling into question correctness of judge's ruling).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: June 1, 2026
