

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90085

In re Complaint of John Doe*

This is a complaint of judicial misconduct by a pro se plaintiff against a district judge who is assigned to his civil rights lawsuit against his school district, officials, and employees.

The judicial complaint alleges that the judge “allegedly engaged in ex parte communications with [his last] appointed attorney [], influencing case handling and denying a new attorney despite [his] requests.” The complaint quotes the attorney’s alleged statement that, “I don’t want to call this a favor, but when the court called me up and asked, . . . I’ll try to take the case.” The complaint asserts that as time passed, the complainant and his mother “were very uncomfortable” with the attorney, and sent a letter to the court about their concerns, including their disagreement with the attorney’s advice and the attorney’s physical resemblance to the teacher who allegedly assaulted the complainant. The complaint alleges that the judge denied his motion for accommodations or different counsel despite the complainant’s cognitive disabilities and documented medical conditions. The complaint asserts that the judge stated in an order that the complainant was not able to work with any of his attorneys when that was not true. The complaint and supplement also contain allegations about the complainant’s attorneys.

*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 2021, the complainant's mother filed the underlying lawsuit as his next friend. Because the complainant was a minor, the judge appointed an attorney to represent him. After the complainant turned eighteen years old, the judge entered an order giving him 30 days to file an amended complaint naming himself as the plaintiff, and warned that if he failed to do so, the action would be dismissed without prejudice. In the same order, the judge granted appointed counsel's motion to withdraw, noting the complainant's dissatisfaction with her. The judge observed that the court had appointed six different attorneys to represent the complainant, and "none has been able to work successfully with [him]." The judge also noted that the complainant had requested and been granted thirteen extensions of time to file an amended complaint, but none had been filed. The judge denied the complainant's motion to appoint another attorney as moot pending the complainant's filing of a motion on his own behalf. The complainant then filed a motion "for accommodations due to [his] disability and appointment of an advocate or in the alternative an attorney." After the complainant did not file an amended complaint within two months of the judge's order, the judge dismissed the action and denied the pending motion as moot.

The allegation about the judge's failure to appoint a different attorney is dismissed as "directly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii); Rule 11(c)(1)(B); *see* Rule 4(b)(1) ("Cognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling."). The complaint is otherwise dismissed as "based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred." Rule 11(c)(1)(D). "Cognizable misconduct includes . . . engaging in improper ex parte communications with parties or counsel for one side in a case." Rule 4(a)(1)(C). The allegation that the court contacted the complainant's attorney about "tak[ing] the case," however, suggests only that the judge arranged for appointment of counsel, and does not support a reasonable inference of improper ex parte communications.

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: June 1, 2026
