

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90086

In re Complaint of John Doe*

This is a complaint of judicial misconduct by a civil plaintiff against a district judge who presided in his lawsuit.

The complainant alleges that he was removed from the panel of attorneys appointed to represent defendants under the Criminal Justice Act (CJA) in the judge's district in 2016 due to racial discrimination. Based on the removal from the CJA Panel, the complainant has sought recusal of all judges in the district in his pro se civil cases there.

The complainant filed a previous judicial complaint against a different district judge and magistrate judge who presided in a different underlying lawsuit in the district. The previous complaint challenged that district judge's denial of his motion to recuse all judges in the district. In his denial, that district judge noted that neither he nor the assigned magistrate judge were judges on the court at the time of the decision to remove the complainant from the panel of CJA attorneys. The judicial complaint against those two judges is dismissed contemporaneously with this one. *See In re Complaint of John Doe*, Nos. 25-90074, 25-90075 (8th Cir. C.J. June 1, 2026).

*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 current judicial complaint alleges incorrectly that the subject judge has been appointed to review the prior complaint against the two other judges, and that the subject judge should not be allowed to do so. The statute and rules provide that the judicial complaint must be reviewed by the chief judge of the circuit. *See* 28 U.S.C. §§ 351(c), 352; Rule 11(a).

The complainant also alleges that in the underlying lawsuit, the subject judge denied his motion for recusal of all judges in the district, and “used harassing, abusive, derogatory and inappropriate language” in the denial. Specifically, the complainant points to the judge’s statement that:

[a]lthough [the complainant] cites his removal from the CJA panel as support for his recusal motion, the undersigned judge had nothing to do with that decision because it was allegedly made in 2016 prior to the undersigned judge’s confirmation by the United States Senate Indeed, the undersigned judge has no recollection of ever meeting or even hearing of [the complainant] before this case. . . . In fact, an average individual with knowledge of the described timeline and context would likely find [the complainant’s] allegations to be baseless, frivolous, unprofessional, and illogical, just as this Court does. Furthermore, the undersigned judge cannot rule on the impartiality of other District . . . judges and need not do so because they are neither assigned to nor charged with making decisions in this case. Accordingly, [the complainant’s] motions for recusal are denied.

In a footnote, the judge added that this was the second time that he had concluded in an order that the complainant had filed frivolous pleadings or motions, and that the complainant’s “conduct in this case thus far certainly does not support the notion that he has the judgment and temperament necessary to be appointed by a state or federal court to represent defendants in criminal cases where the defendant’s personal liberty is at stake.”

Cognizable misconduct includes “treating litigants . . . in a demonstrably egregious and hostile manner,” Rule 4(a)(2), and “intentional discrimination on the basis of race,” Rule 4(a)(3). The judge’s description of the complainant’s allegations in his recusal motion as “frivolous, unprofessional, and illogical” was based on the judge’s evaluation of the motion on the merits. The judge’s comment about the complainant’s fitness for CJA appointments was based on the judge’s perception of the complainant’s conduct in the case and directly related to the reason that the complainant provided for the recusal motion. The judge’s language did not rise to the level of demonstrably egregious and hostile treatment required for a finding of misconduct. 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: June 1, 2026
