

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90097

In re Complaint of John Doe*

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

The complainant states that one of the attorneys for the defendant in the civil case was a presidential nominee for the position of United States Attorney. The complainant sent a letter to the Senate Judiciary Committee on July 3, 2024, opposing the nomination and criticizing the attorney.

In the civil case, the defendants filed a motion to dismiss with sanctions on September 27, 2024. The judge dismissed the lawsuit on October 25, 2024. The defense attorney withdrew from the case on October 9, 2025. The complaint states that on October 15, 2025, the judge personally administered the oath of office to the former defense attorney as a new United States Attorney. The complaint alleges that the “sequence of events creates an unmistakable appearance of bias and retaliation and demonstrates judicial overreach.”

The record shows that the complainant brought his lawsuit for breach of contract and asserted federal jurisdiction based on diversity of citizenship under 28 U.S.C. § 1332. The defendants moved to dismiss for lack of jurisdiction and sought

*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.

dismissal with prejudice as a sanction for “willfulness and bad faith conduct” in the litigation. The judge directed the complainant to submit documentation establishing his citizenship at the time of his lawsuit’s filing. After reviewing the complainant’s submission, the judge concluded that the complainant had failed to establish diversity of citizenship. Regarding sanctions, the judge stated that the complainant had “sent numerous abusive and threatening messages to the individual defendants, their family members, and their attorneys” with “menacing intent,” and the complainant’s “behavior and extrajudicial communications” were “wildly inappropriate and beyond the pale.” The judge nevertheless denied the defendants’ proposed sanction of dismissal with prejudice and dismissed the case without prejudice on October 25, 2024.

The complaint is dismissed as “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred.” Rule 11(c)(1)(D); *see also* Rule 4(b)(1) (if judge’s decision is alleged to be result of improper motive such as bias, complaint is not cognizable to extent that it questions decision’s merits). Neither the complaint nor the record contain any evidence supporting an inference of improper bias or retaliation. The judge dismissed the complainant’s lawsuit for lack of jurisdiction nearly a year after the complainant’s letter to the Senate committee about defense counsel. The judge rejected counsel’s proposed sanction of dismissal with prejudice. The complainant did not appeal. The judge did not commit misconduct by later administering the oath of office to defense counsel after his appointment as United States Attorney. *See* 28 U.S.C. § 459; Rule 11(c)(1)(A) (providing for dismissal of complaint alleging conduct that, even if true, is not prejudicial to effective and expeditious administration of business of courts).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: June 1, 2026
