

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90099

In re Complaint of John Doe*

This is a complaint of judicial misconduct by a criminal defendant against a district judge who presided in his case.

The complainant alleges that: a law enforcement agent illegally redistributed previously seized narcotics to the complainant's co-defendant; the judge did not recuse herself in his case despite recusing herself in the cases of the defendants from whom the drugs were originally seized; the judge demonstrated bias against him at a hearing on his motion to withdraw his guilty plea by disregarding allegations that the government presented false grand jury testimony of a "rogue informant" and prosecuted him based on the previously seized drugs; the judge issued an ex parte order denying his request for a transcript of the hearing; and the judge failed to rule on his motion for disclosure of sealed documents in time for his direct appeal. According to the complainant, the judge has demonstrated bias, improperly handled filings, selectively recused, ignored motions, and interfered with his ability to pursue appellate and collateral review.

The record shows that in July 2023, the complainant appealed his drug conviction. In January 2024, the complainant filed a motion for disclosure of sealed documents—his final presentence report and the transcript of the hearing on his

*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.

motion to withdraw his guilty plea. In June 2024, the complainant's conviction was affirmed on appeal. In August 2024, the complainant filed a motion seeking an unredacted copy of the transcript of the hearing. In September 2024, the judge issued an ex parte order denying the motions. The judge noted that the criminal action was closed in June 2023, the criminal conviction and sentence had been affirmed on appeal in June 2024, and the complainant did not show why the documents were relevant or necessary to present any non-frivolous claims in a post-conviction motion.

The complainant's allegation of bias is based largely on the judge's rejection of his arguments on the merits at the hearing. The allegation of bias is dismissed as "lacking sufficient evidence to raise an inference that misconduct has occurred." Rule 11(c)(1)(D). Neither the complainant's allegations nor the record support an inference of improper motive in any delay in deciding his January 2024 motion. *See* Rule 4(b)(2) (cognizable misconduct does not include allegation about delay in rendering decision or ruling unless allegation concerns improper motive in delaying particular decision). The allegation of "selective recusal" is not supported by the record. The case involving the original drug seizures was reassigned to another judge within the district court, but there is no record of recusal. In any event, "[c]ognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling, including a failure to recuse." Rule 4(b)(1).

The judge did not commit misconduct by denying the complainant's September 2024 transcript request ex parte. The complainant filed the motion ex parte and does not explain why the judge should have treated the matter differently. *See* Rule 11(c)(1)(A) (permitting dismissal of complaint alleging conduct not prejudicial to effective and expeditious administration of court business). To the extent the complaint alleges that the judge's rulings were incorrect on the merits, the allegations are not cognizable misconduct and are dismissed. *See* Rule 4(b)(1); Rule 11(c)(1)(B).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: June 2, 2026
