

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90100

In re Complaint of John Doe*

This is a complaint of judicial misconduct by a pretrial detainee against a district judge who is assigned to his action seeking a writ of habeas corpus under 28 U.S.C. § 2241. The complainant is under indictment on drug trafficking and firearms charges. The subject judge denied the habeas petition because the requested relief would undermine or interfere with the ongoing criminal case, and the complainant was free to raise the relevant issues in the criminal case.

The complaint first quotes from the statute that provides that judges should disqualify themselves when they have a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts about the proceeding. *See* 28 U.S.C. § 455(b)(1). The complaint then alleges that “it is more likely than not that [the judge] through a racketeering-related predicate act of obstruction of justice . . . having personal knowledge of disputed evidentiary facts in complainant’s criminal proceeding . . . is using the judicial office to exercise his personal bias and/or prejudice against the complainant in his habeas” case. The complainant alleges the judge “procedurally held hostage” his habeas action in preliminary review for more than six months, and gave the government an “unfair tactical advantage” over him in his criminal proceedings.

*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 January 2024, the indictment charging the complainant was returned in open court to the subject judge by the grand jury foreperson. In April 2025, a superseding indictment in the complainant's criminal case was returned in open court to a different district judge.

In June 2025, the complainant filed the habeas petition alleging the government presented "false and fabricated evidence to the grand jury" and engaged in racketeering with the Bureau of Alcohol, Tobacco, Firearms and Explosives. The habeas case was assigned to the subject judge, who denied the petition and dismissed it without prejudice in December 2025. The judge concluded that a criminal defendant cannot file a habeas petition to raise defenses to an ongoing criminal prosecution, *see Jones v. Perkins*, 245 U.S. 390, 391 (1918), and that because the complainant could still raise the relevant issues in his ongoing criminal proceedings, he could not yet seek habeas relief. The judge noted that the complainant had filed pretrial motions in his criminal case that had yet to be adjudicated. The complainant's criminal case remains pending for trial before a different district judge.

The complaint is dismissed because its allegations are "lacking sufficient evidence to raise an inference that misconduct has occurred." Rule 11(c)(1)(D). The allegation of personal bias and personal knowledge by the subject judge in the complainant's habeas case is conclusory and unsupported. The complaint and record do not support an inference that the habeas petition was unreasonably delayed or that there was improper motive for the six-month period between the filing of the habeas action and its adjudication. *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).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: June 2, 2026
