

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90101

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 complaint alleges that the judge should have recused herself in the complainant's case because she recused herself in a different case involving the same law enforcement agent involved in his investigation. The complaint also alleges that the judge refused to release the transcript of a codefendant's plea-withdrawal hearing, which allegedly contained testimony about the agent's illegal redistribution of narcotics essential for a pretrial suppression motion. The complaint alleges that this creates an appearance of bias and undermines public confidence in the integrity of the judiciary.

In a complaint supplement, the complainant alleges that (1) his pro se motions were filed on December 3, 2025, "without notice to complainant," his attorney did not notify him that the motions were under consideration, and he was unaware then that the court and counsel corresponded about the motions, (2) he entered his guilty plea "while the . . . pro se motions were pending, and he "was not informed that his motions were on file, that the court had communicated with counsel regarding those motions, or that those motions remained unresolved at the time of the plea," (3) 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.

motions to proceed pro se, to withdraw his plea, and for a hearing on his right to self-representation were not entered on the docket, and (4) there is an “appearance of procedural irregularity” based on these events.

In a second supplement, the complainant attaches e-mail correspondence between defense counsel and the judge about the pro se motions. The correspondence was filed as a sealed document. In the e-mail, the judge explained that she did not recuse in the other case, but instead it was one of many transferred to a new judge in bulk to build his docket. The e-mail also explained that part of the co-defendant’s hearing was sealed due to privileged discussions between attorney and client about a motion to withdraw. The judge stated that there was no discussion about the law enforcement agent during that hearing, and the judge explained how the complainant might obtain the sealed portions. Counsel responded that he had declined to file the pro se motions.

The record shows that between December 1 and 8, 2025, the complainant sent pro se motions to the court—specifically, a “motion to compel discovery and Brady material,” a motion to recuse the judge due to her alleged recusal in the other case, another motion requesting the judge’s recusal for the same reason, and a “motion for disclosure of Brady and Giglio materials and request for in-camera review.” The judge entered an order stating that the court would not consider the complainant’s ex parte filings while he was represented by counsel, and directed counsel to discuss the filings with the complainant and notify the court if further action was necessary. Counsel did not file the pro se motions. About a week later, the complainant entered into a plea agreement.

A few days later, the complaint sent the judge a letter requesting to proceed pro se and appointment of standby counsel. The complainant also requested a hearing on his right to self-representation and stated that he would be filing a motion to withdraw his plea. The letter was entered on the docket. A magistrate judge entered an order

stating that the court would not consider the complainant's pro se ex parte filings while he was represented by counsel. The order directed defense counsel to discuss those filing with the complainant and to notify the court if further action was necessary. Defense counsel then filed a notice stating that he had conferred with the complainant and that the complainant desired to withdraw the pro se motions.

The allegations of bias and misconduct are dismissed as "lacking sufficient evidence to raise an inference that misconduct has occurred." Rule 11(c)(1)(D). The record refutes the factual basis for the complainant's allegations. The judge did not recuse in the other case involving the law enforcement agent, and defense counsel declined to file the complainant's motion for recusal.

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: June 2, 2026
