

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-25-90069

In re Complaint of John Doe*

This is a complaint of judicial misconduct by a criminal defendant against a district judge assigned to his case.

The complaint alleges that the judge has failed to maintain impartiality by refusing to investigate a prosecutor for committing alleged misconduct or to alert disciplinary authorities about the alleged misconduct. The complainant asserts that he informed the judge about the prosecutorial misconduct in court filings on August 11 and 18, 2025. In his complaint supplements, the complainant adds more than thirty pages of factual allegations.

After his indictment, the complainant filed pretrial motions arguing that various warrant affidavits contained false statements because the affidavits did not precisely mirror a police report and the complainant's jail calls. The judge rejected the argument and denied the motions. Following the complainant's conviction on drug and firearm offenses, he filed a "motion to dismiss for outrageous government conduct and motion for a new trial." The alleged prosecutorial misconduct included, among other things, denial of certain discovery related to the warrant affidavits, providing a judicial officer false information, and presentation of false evidence. On August 11, 2025, the complainant filed a "notice of government fabrication and

*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.

falsification of evidence and judicial deception.” On August 18, 2025, the complainant filed a “notice” alleging discovery violations by the prosecutor. Both “notices” alleged prosecutorial misconduct included in the motion to dismiss. The judge denied the motion to dismiss, concluding that the prosecutor did not commit misconduct.

The complainant alleges that the judge committed misconduct and demonstrated partiality because he did not investigate or report prosecutorial misconduct, but the judge rejected allegations of prosecutorial misconduct in denying the complainant’s motion to dismiss. To the extent that the judicial complaint challenges the correctness of the judge’s rulings, the complaint must be dismissed. *See* Rule 4(b)(1) (cognizable misconduct does not include allegation that calls into question correctness of judge’s ruling); Rule 11(c)(1)(B) (permitting dismissal of complaint directly related to merits of decision or procedural ruling). The complaint is otherwise dismissed as “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred.” Rule 11(c)(1)(D).

The complaint supplements are rejected because they may not be used to circumvent the length limit established by rule. *See* 8th Cir. JC&D R. 6A (limiting statements of facts to five pages).

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: May 29, 2026
