

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-24-90011

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In re Complaint of John Doe<sup>1</sup>

This is a judicial complaint filed by a criminal defendant (“complainant”) against the United States district judge who presided over the complainant’s criminal case. The judicial complaint alleges that the district judge violated the complainant’s Fifth Amendment right to due process. According to the complainant, the district judge “abused his discretion” by granting the government’s motion to amend the superseding indictment. The complainant asserts that the district judge permitted the government to constructively amend the superseding indictment without a grand jury. Additionally, the complainant alleges that the district judge permitted the government “to present jury instructions that purposely omit[ted]” information contained in the indictment.

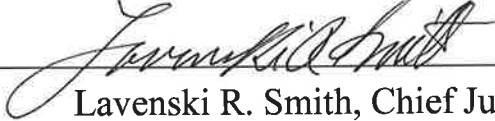
I conclude that the judicial complaint challenges the district judge’s rulings and therefore must be dismissed as “directly related to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); *accord See* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States Rules 4(b)(1), 11(c)(1)(B).

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<sup>1</sup>Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the names of the complainant and the judicial officer complained against are to remain confidential, except in special circumstances not here present.

Accordingly, the judicial complaint is dismissed.

March 7, \_\_\_\_\_, 2024

  
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Lavenski R. Smith, Chief Judge  
United States Court of Appeals  
for the Eighth Circuit