

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-14-90009

In re Complaint of John Doe¹

This is a judicial complaint filed on April 16, 2014, by a federal inmate against the United States district court judge who presided over the complainant's criminal trial (in which the complainant was tried with a co-defendant) and who dismissed the complainant's motion for habeas relief. The complainant alleges his "Due Process was violated and that the [district judge] went above and beyond his duty as a Judge to allow this to happen, and it could be seen as no other, vendetta, bias, conflict with me and/or my [co-defendant]." Specifically, the complainant alleges the district judge (1) "seems to have a vendetta on my [co-defendant] And this is Bias, Conflict, and some sorta vendetta, that has over flowed on me and my Due Process of a fair Trial"; (2) "violated" the complainant's "Due Process of a FAIR Trial" by trying the complainant along with his co-defendant, who the complainant alleges was incompetent; (3) dismissed the complainant's motion for habeas relief; and (4) "Obstruct[ed]/Tamper[ed]/Tainted [the complainant's] 2009 trial" by allowing (a) a witness to speak with a juror; (b) "the victim[']s daughter" to "tak[e] notes to awaiting government witnesses"; and (c) a witness to "[give] a statement" without "proper warning" to the complainant.

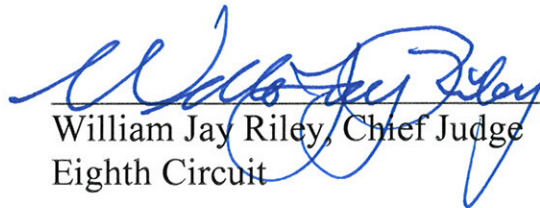
The complainant's allegations against the district judge must be dismissed because they directly relate to the merits of the judge's decisions and are therefore not

¹Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit (E.C.), the names of the complainant and the judge complained about are to remain confidential, except in special circumstances not present here.

proper subjects of a judicial complaint. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(B). “An allegation that calls into question the correctness of a judge’s ruling, . . . without more, is merits-related. If the decision or ruling is alleged to be the result of an improper motive, . . . the complaint is not cognizable to the extent that it attacks the merits.” J.C.U.S. Rule 3(h)(3)(A). The complainant’s allegations of judicial misconduct are “frivolous” and “lack[] sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); see also J.C.U.S. Rule 11(c)(1)(C), (D); E.C. Rule 4(c)(3).

The complaint is dismissed.

May 27, 2014



William Jay Riley, Chief Judge
Eighth Circuit