

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-16-90071

In re Complaint of John Doe¹

This is a judicial complaint filed in November 2016 by an inmate against the United States district judge who is presiding over the complainant's criminal case and denied the complainant's motions to suppress evidence.

The complainant claims "misconduct and errors . . . performed through out [the complainant's] case," and alleges the district judge is "showing bias in [his] case," because the district judge denied two of the complainant's motions to suppress evidence that, according to the complainant, "carries [sic] merit." The complainant argues "[i]t's the duty of the 'courts' to be watchful for the constitutional rights of the citizen, and against any stealthy encroachment thereon," and the district judge "veered away from his duty." In the complainant's view, the district judge "invites every man to become a law unto himself" by failing to uphold the United States Constitution. The complainant also alleges police "knowingly and intentionally violated [the complainant's] 4th and 14th Amendments [rights], racial discrimination [sic], falsif[ied] legal documents, tamper[ed] with evidence, plant[ed] evidence, and theft [sic] of property." The complainant alleges the prosecution badgered his witness at a suppression hearing, and the district judge, after indicating he may grant the suppression, did not grant his motion to suppress and instead just warned the prosecution.

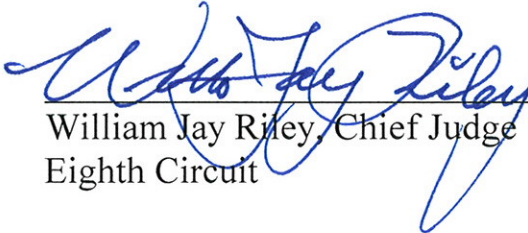
¹Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the names of the complainant and the judge complained about are to remain confidential, except in special circumstances not present here.

In a supplemental document filed January 17, 2017, the complainant alleged the district judge is “taking [his] case personal” by “dening [sic] every motion [the complainant] put in . . . [including] a motion for a new Lawyer . . . [and] to represent [himself].” The complainant again charges the police with misconduct and further suggests he may have mental issues after falling down some stairs. He also speculates the mistreatment may be “because [the complainant is] a NIGGER BOY.” The complainant asserts the district judge is “taking [him] away from [his] children and family for something [he] didn’t do.”

This complaint must be dismissed because it is “directly related to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); accord Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(B). The complainant’s allegations only “call[] into question the correctness of a judge’s ruling” and, as such, are merits-related. J.C.U.S. Rule 3(h)(3)(A). The complainant claims police officers violated his constitutional rights and planted and tampered with evidence, but does not allege any facts demonstrating how this alleged police misconduct amounts to judicial misconduct. See J.C.U.S. Rule 4 (“A complaint under these Rules may concern the actions or capacity only of judges of United States courts of appeals, judges of United States district courts, judges of United States bankruptcy courts, United States magistrate judges, and judges of the courts specified in 28 U.S.C. § 363.”). The complainant’s charges against the district judge are “frivolous” and lack sufficient evidence. 28 U.S.C. § 352(b)(1)(A)(iii); see also J.C.U.S. Rule 11(c)(1)(C), (D).

The complaint is dismissed.

February 2, 2017



William Jay Riley, Chief Judge
Eighth Circuit