

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-16-90082

In re Complaint of John Doe¹

This is a judicial complaint filed December 20, 2016, by an inmate against the United States district judge who presided over the complainant's criminal trial.

The complainant asserts the district judge exhibited "calculated intentions to disparage minorities in the eyes of all-white potential jurors" by "introduc[ing] a racially motivated video" during voir dire. According to the complainant, the "video depicts an African-American male with discriminating wording next to his photo such as; [sic] Assault, Burglary, Robbery, and other words that produce, and inflame the ideals about African-American and other minorities as being guilty of something." The complainant contends "[t]his video is shown in all cases that have defendants of African-American or of minority ethnicities to all-white potential jurors during Voir Dire[.]"

The complainant claims "the video undermines the all-white juries from exercising an impartial judgment upon the merits of a case" and that "[t]he video is not shown in the trials of white defendants . . . which shows a malicious pattern towards minorities." According to the complainant, the "video is a disturbing unjust violation of a defendant's 5th Amendment of the United States Constitution and its due process, equal protections under the law, ect.. [sic] principles" and the video

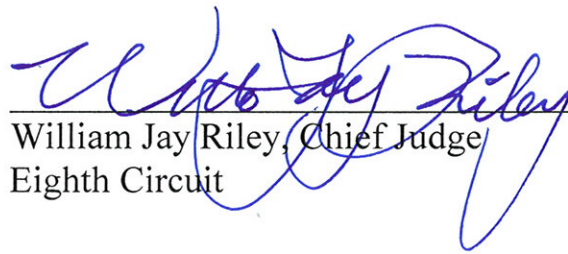
¹Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the names of the complainant and the judge complained about are to remain confidential, except in special circumstances not present here.

“causes [the district judge] to lose his role of neutrality that tips juries against African-Americans and minorities for a fair trial in a fair tribunal.” The complainant also asserts his “court appointed attorney and the prosecutors are aware of [the district judge’s] practice and misconduct by showing this video, but turn the blind eye and the deaf ear to it.”

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 [the] judge’s ruling” of using the video during voir dire and, as such, are merits-related. J.C.U.S. Rule 3(h)(3)(A). To the extent the complainant asserts his court-appointed attorney and the prosecutor failed to object to the video, the allegations are outside the scope of the judicial complaint process. See 28 U.S.C. § 351; J.C.U.S. Rule 4.

The complaint is dismissed.

February 21, 2017



William Jay Riley, Chief Judge
Eighth Circuit