

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP Nos. 08-17-90005 / 08-17-90006

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

These are judicial complaints filed January 3, 2017, by an incarcerated pro se civil litigant against the United States district judge who presided over his criminal trial and the United States district judge who dismissed his civil suit.

The complainant asserts he “feel[s] [he has] been wronged a great many times” due to corruption that began with two state criminal cases. According to the complainant, the state cases involved “corruption which led to commission of a federal offense of threatening” in which the complainant “had to deal with federal corruption” and “a civil mental health committal” where he was “declared ‘not responsible to make decisions regarding [his] medication & hospitalization.’” After filing a civil suit under “42 U.S.C. 1983 & Biven’s [sic] against state & Federal offices & individuals,” the complainant argues the district judge improperly “claim[ed] absolute immunity applie[d]” to two defendants and “dismissed the lawsuit as frivolous.” The complainant then maintains he received “a corrupted revocation stemming from a corrupt allegation of severe mental impairment which stemmed from a probation officer given [him] for threatening a corrupt sheriff for falsely charging [him] causing deprivations of rights & freedoms.” The complainant alleges various “due process violations,” such as an arrest warrant and probation revocation, that he asserts amounted to a “malicious abuse of process.”

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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 judges complained about are to remain confidential, except in special circumstances not present here.

The complainant also alleges, in his criminal case, the other district judge made improper comments such as ““your evidence does not matter,”” ““I appreciate my understanding that some inmates do not like the negative side effects of certain medications,”” and that the complainant is ““competent’ while unmedicated to stand her trial for ‘failure to comply with mental health treatment [to bring [the complainant] to competency]” (outer brackets in original). The complainant contends the district judge wrongly excluded certain evidence, such as a voicemail message and a “mental health ‘treatment’ video . . . that would have abolished 90% of the discussions [the judge, a probation officer, and a U.S. attorney] had.” According to the complainant, the parties “wasted 50 minutes not recalling . . . and using 4th person ‘understanding’ of 3rd person ‘interpretation’ of 2nd person ‘analysis’ of reactions to corruptions as put together in an obfuscated lineage of corruptions.” The complainant proposes “12 federal court Rules of evidence were violated” and the district judge and his probation officers “have no integrity, are not impartial, [and] do not comply with law, code, & the constitution.” These, in the complainant’s view, are “violations of the Judicial Code of Conduct.” The complainant “respectfully request[s] review & investigation” and to “consider this also as [his] B.O.P appeal.”

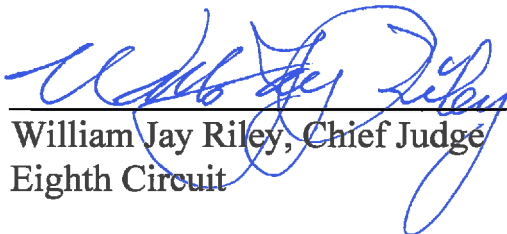
The complainant further asserts his “revocation under repealed ‘public law’ of ‘community corrections component’ or ‘community confinement’ without a community corrections disciplinary hearing can be construed as a due process violation.” The complainant “move[s] the court to declare F.R.E. Rule 1101(d) unconstitutional and retroactively allow presentation of 3 out of 3 voicemails from [his probation officer] and a 15 minute video from [a treatment center] to discredit, disqualify, & declare revocation of [his criminal trial] a mistrial in the name of justice.”

The complaints must be dismissed because they are “directly related to the merits of a decision or procedural ruling.” Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule

11(c)(1)(B); accord 28 U.S.C. § 352(b)(1)(A)(ii). The complaints merely “call[] into question the correctness of a judge’s ruling,” J.C.U.S. Rule 3(h)(3)(A), focusing on one district judge’s evidentiary rulings and the other judge’s dismissal of his civil suit. To the extent the complaints allege due process violations on the part of his probation officers and state court judges, the complaints are outside the scope of this judicial complaint process. 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 allegations lack sufficient evidence to support any judicial conduct claim. See 28 U.S.C. § 352(b)(1)(A)(iii); J.C.U.S. Rule 11(c)(1)(D).

The complaints are dismissed.

March 9, 2017



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William Jay Riley, Chief Judge  
Eighth Circuit