

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-17-90073

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

This is a judicial complaint filed by a criminal defendant against the United States district judge who presided over his trial.

The judicial complaint alleges that the complainant, who proceeded pro se at trial, “endured an overwhelming amount of disrespect, prejudicial biased [sic], and was constantly yelled at, and downgraded in front of the Jury” by the district judge. According to the complainant, the district judge’s alleged “political agenda may have been the reason he ignored key facts in the case” and “led to biased Jury Instructions.” The complainant also challenges the district judge’s denial of his motion for a mistrial and order finding him in contempt for disobeying orders regarding the proper procedure for admitting and presenting evidence.<sup>2</sup>

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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.

<sup>2</sup>After the complainant filed the judicial complaint, he sent the district judge a letter apologizing for the complainant’s conduct during trial. In the letter, the complainant details how the district judge helped the complainant in proceeding pro se but “grew to dislike [the complainant’s] attitude during trial.” The complainant admitted that he has “an addiction of acting ignorant.”

The allegations must be dismissed because they are “frivolous, [and] lack[] sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); *accord* J.C.U.S. Rule 11(c)(1)(C)–(D). The judicial complaint’s allegations concerning the motion for mistrial and contempt order are “directly related to the merits of a decision or procedural ruling” and therefore must be dismissed. 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); *see also* J.C.U.S. Rule 3(h)(3)(A) (“An allegation that calls into question the correctness of a judge’s ruling . . . without more, is merits-related.”). Accordingly, the allegations must be dismissed.

The complaint is dismissed.

September 14<sup>th</sup>, 2017



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