

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-18-90010

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate against the United States magistrate judge who presided over the inmate's detention hearings and suppression hearing. The judicial complaint alleges that "[b]ias, [p]rejudice, and [i]mpropriety" occurred during the hearings and is evident in the magistrate judge's detention order and report and recommendation to deny the motion to suppress. In support, the judicial complaint cites various portions of the hearing transcripts and orders.

The judicial complaint's allegations of bias against the magistrate judge "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)(D). In addition, these allegations are directly related to the merits of the magistrate judge's decisions or procedural rulings and are not cognizable in 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.) Rules 3(h)(3)(A), 11(c)(1)(B).

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 judicial officer complained against are to remain confidential, except in special circumstances not here present.

The complaint is dismissed.

May 29, 2018



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