

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-19-90039

JCP No. 08-19-90040

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

This is a judicial complaint filed by a pro se inmate against the United States district judge and magistrate judge who presided over the inmate's civil rights action against prison officials, private entities, and Doe defendants, alleging that the defendants created or used technology to control the inmate's thoughts, dreams, and body. The inmate alleged that some of the defendants used the technology to rape or sexually assault him during his sleep and that the technology causes physical pain.

The record shows that the magistrate judge recommended that the district judge dismiss the inmate's complaint as frivolous because the "factual allegations are purely speculative and fanciful." The district judge adopted the magistrate judge's recommendation and dismissed the case without prejudice as frivolous. The district court subsequently denied as moot the inmate's motions for protective orders.

The judicial complaint alleges that the defendants have "continued to use [the aforementioned] technology to perform sexual acts in [the inmate's] dreams" and that the district judge and magistrate judge have "knowledge of these defendants[] using this technology to . . . rape and perform sexual acts on [the inmate] while [the inmate] . . . sleep[s]." According to the judicial complaint, the district judge and magistrate

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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.

judge have “failed to intervene and failed to take safety precautions for [the inmate’s] safety[,] violating [the inmate’s] constitutional [rights].” The judicial complaint further maintains that the district judge and magistrate judge have “used this technology to enter [the inmate’s] dreams, rape, and to laser [the inmate] to keep [the inmate] from going to higher authorities.” Finally, the judicial complaint contends that the district judge and magistrate judge have covered up the defendants’ alleged actions and intimidated “a juror, a witness, or an informant” in violation of the inmate’s constitutional rights.

To the extent the allegations challenge the magistrate judge’s recommendation and the district judge’s dismissal order, they are directly related to the merits of the judges’ decisions 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 4(b)(1), 11(c)(1)(B). To the extent the judicial complaint alleges that the magistrate judge and district judge failed to intervene in the defendants’ use of technology on the inmate, used the technology on the inmate, covered up wrongdoing, and intimidated individuals, such allegations 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). Accordingly, the allegations must be dismissed.

The complaint is dismissed.

October 28<sup>th</sup>, 2019



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