

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-20-90005

In re Complaint of John Doe¹

This is a judicial complaint filed by a federal inmate against the United States district judge who presided over the complainant's criminal case.

The judicial complaint alleges that the district judge "is very racist." The complainant also challenges the district judge's sentencing determination, arguing that the district judge sentenced the complainant pursuant to "a bogus binding plea" agreement and erroneously varied upward from the recommended Guidelines range.

To the extent the judicial complaint alleges that the district judge is racist, such allegation, standing alone, is "frivolous [and] lack[s] sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii); *accord* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) 11(c)(1)(C), (D). To the extent the judicial complaint challenges the district judge's sentencing determination, such allegation is directly related to the merits of the district judge's decision and is not cognizable in a judicial complaint. *See* 28 U.S.C. § 352(b)(1)(A)(ii); J.C.U.S. Rules 4(b)(1), 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.

3/2/2020, 2020



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