

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-20-90020

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

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

The judicial complaint alleges that the district judge engaged in judicial misconduct by (1) "insinuating that [the complainant] was a terrorist [and] claim[ing] that [the complainant] was not a U.S. citizen"; (2) showing "malicious bigotry" toward the complainant; (3) conspiring with the prosecutor and federal public defender "to manipulate [the complainant] into a plea deal knowing the court would sentence [the complainant] [to two times] more than the guideline for [the] crime"; (4) "committ[ing] [a] gross miscarriage of justice by intentionally sentencing [the complainant] to more than double the guideline range"; and (5) "improperly engag[ing] in discussions and meetings with the prosecutor and or [the] public defender." In support of the allegations, the complainant attached as exhibits the plea agreement and the criminal docket for the case.

I have reviewed the complainant's exhibits and the record. *See* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) 11(b). Based on my review of the record, I conclude that the complainant's allegations that the district judge was biased against the complainant

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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.

and conspired with the prosecutor and federal public defender against the complainant are unsubstantiated and therefore “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. 11(c)(1)(D). To the extent the judicial complaint challenges the complainant’s sentence, its allegations are “directly related to the merits of a decision or procedural ruling.” *See* 28 U.S.C. § 352(b)(1)(A)(ii); J.C.U.S. Rules 4(b)(1), 11(c)(1)(B).

The complaint is dismissed.

May 28, 2020, 2020



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