

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-20-90021

In re Complaint of John Doe¹

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

The judicial complaint alleges that, in sentencing the complainant, the district judge "justified [the] excessively harsh punishment by citing online 'fantasy' comments which never posed a real or credible threat to anyone." Additionally, the judicial complaint sets forth eight "[i]ssues of [c]oncern" setting forth complaints about the sufficiency of the indictment, the sufficiency of the evidence, the court's subject matter jurisdiction, government retaliation, the right to provide classified testimony, and an individual afforded immunity in the complainant's case.

The judicial complaint challenges the district judge's adjudication of the complainant's criminal case; the allegations are directly related to the merits of the district judge's decisions and are not cognizable in a judicial complaint. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial Conference of the United States (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.

May 28, 2020

Lavenski R. Smith

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