

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-20-90102

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

This is a judicial complaint filed by a criminal defendant against the United States district judge assigned to his case.

The judicial complaint alleges that the district judge has denied the complainant “access to the court by stopping the clerk from filing [the complainant’s] motions.” According to the judicial complaint, the complainant “sent two motions to be filed” in September 2020, which have yet to be filed. The first motion is a motion under Federal Rule of Civil Procedure 15(c), and the second motion is a motion for reconsideration, “which proves that the complainant’s Rule 60 . . . motion was not a second [§] 2255 [petition].”

I have reviewed the record. *See* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(b). It shows that complainant filed four pro se motions on September 11, 2020: (1) motion for leave to proceed pro se; (2) motion for evidentiary hearing pursuant to 28 U.S.C. § 2255 motion under Federal Rule of Civil Procedure 15(c); (3) motion relating back to the original issue under Federal Rule Civil Procedure 15(c); and (4) motion of production. The record also reflects that on December 23, 2020, the complainant filed a pro se motion to amend motion relating back to the original issues in § 2255 motion

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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.

under Federal Rule of Civil Procedure 15(c). Finally, the record reflects that on September 2, 2020, the district judge ruled on 12 of the complainant's previously filed pro se motions.

Because the record reflects that the complainant's pro se motions have been filed with the court, there is no evidence to substantiate the complainant's claims against the district judge. Therefore, the allegations must be dismissed as "lacking 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).

The complaint is dismissed.

January 20, 2021, 2021

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