

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-21-90022

JCP No. 08-21-90025

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

This is a judicial complaint filed by a federal inmate (“complainant”) against the United States district judge assigned to the complainant’s case.

The complainant alleges that the district judge has failed to rule on three of the complainant’s motions and has therefore “not dispos[ed] promptly of the business of the [c]ourt and is demonstrating favoritism to the United States prosecutor’s office by not addressing said motions.” The complainant further alleges that the district judge “initiat[ed] ex parte communications with the United States Attorney’s office” concerning the complainant’s renewed motion for compassionate release.

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). The record shows that the district judge has now ruled on all motions referenced in the judicial complaint. Moreover, “[c]ognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” J.C.U.S. Rule 4(b)(2). Here, the complainant has not set forth evidence of alleged “improper motive” or “habitual delay in a significant


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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.

number of unrelated cases.” *See id.* Nor has the complainant offered any evidence that the district judge engaged in improper ex parte communications with the government before ordering the government to respond to the complainant’s compassionate-release motion. *See* J.C.U.S. 11(c)(1)(D) (“A complaint may be dismissed in whole . . . to the extent that the chief judge concludes that the complaint . . . is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred . . .”).

Accordingly, the judicial complaint is dismissed. *See* J.C.U.S. Rule 11(c)(1)(A).

May 5, 2022

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