

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-21-90059

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

This is a judicial complaint filed by a civil litigant against a United States magistrate judge.

The judicial complaint alleges that the complainant “was forced to obtain an attorney to represent [the complainant] in a criminal case by [the magistrate judge] against [the complainant’s] will.” The complainant asserts that the magistrate judge’s “prejudicial treatment” deprived the complainant of the constitutional right to a fair trial.

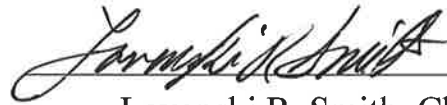
To the extent that the judicial complaint challenges an alleged decision of the magistrate judge, it must be dismissed as “directly related to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); *accord* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rules 4(b)(1), 11(c)(1)(B). To the extent the judicial complaint alleges that the magistrate judge acted with prejudice, the allegation is “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).

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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.

Accordingly, the judicial complaint is dismissed.

May 16, 2022

A handwritten signature in black ink, appearing to read "Lavenski R. Smith", written over a horizontal line.

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