

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-21-90072

In re Complaint of John Doe¹

This is a judicial complaint against a United States district judge who denied the complainant's petition for writ of coram nobis.

The record shows that the complainant filed a nearly identical judicial complaint against the district judge in JCP No. 08-19-90045. After requesting a response from the district judge, I directed the complainant to provide the "full name, address, and telephone number" of the individual identified in the judicial complaint as having allegedly witnessed the district judge make the challenged statements. The individual denied the allegations set forth in the judicial complaint and affirmatively stated that the individual lacked any knowledge of the events described therein.

Because the individual named in the complainant's judicial complaint failed to substantiate the complainant's allegations against the district judge, and based on the district judge's emphatic denial of those allegations, I concluded that there was no "reasonably disputed issue." Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(b). I further concluded that no evidence exists that the district judge engaged in the conduct set forth in the judicial complaint. *See* 28 U.S.C. § 352(b)(1)(A)(iii) ("After expeditiously reviewing a complaint . . . , the chief judge . . . may . . . dismiss the complaint . . . if the chief judge finds the complaint to be . . . lacking sufficient evidence to raise an

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.

inference that misconduct has occurred”); J.C.U.S. 11(c)(1)(D). For the same reasons, the allegations in the present judicial complaint must be dismissed.

The complaint is dismissed.

May 24, 2022



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