

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90010

In re Complaint of John Doe¹

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

First, the judicial complaint alleges that the district judge showed “animosity” toward the complainant after the complainant moved for release of appointed counsel. The judicial complainant also contributes the district judge’s animosity to “a conflict of interest between the Judge and the prosecutor, . . . a former student.” In support, the judicial complaint asserts that the district judge has “ignored” the complainant’s pleadings, “dismissed” the pleadings, or “refused” to rule on the pleadings. Second, the judicial complaint alleges that the district judge has “made efforts to manipulate [the complainant’s] arguments to favor the prosecution, [has] improperly den[ied] any favorable ruling, and has consistently avoided proper analysis of [the complainant’s] individual § 3553(a) factors.” Third, the judicial complaint alleges that the district judge has “mocked” the complainant’s gender identity in an order.

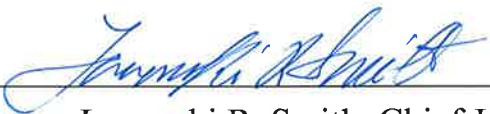
I have reviewed the record. *See* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(b). To the extent that the judicial complaint’s allegations challenge the district judge’s orders, they must be dismissed as “directly related to the merits of a decision or

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.

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). Additionally, “[c]ognizable misconduct does not include an allegation about 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 presented no evidence of improper motive or habitual delay to support the allegation of delay in rendering decisions; therefore, that allegation must be dismissed. Finally, to the extent the judicial complaint alleges that the district judge has a conflict of interest with the prosecutor, mocked the complainant’s gender identity, or engaged in other improper conduct, the allegations are “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).

Accordingly, the judicial complaint is dismissed.

May 24, 2022



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