

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90030

In re Complaint of John Doe¹

This is a judicial complaint filed by a criminal defendant (“complainant”) against the United States district judge who originally sentenced the complainant and subsequently imposed the complainant’s revocation sentence.

The judicial complaint alleges that the district judge “has a personal bias and on going personal grudge against [the complainant].” The judicial complaint cites as evidence of that bias the sentences that the district judge imposed and “unjust revo[c]ation based off misinformation.”

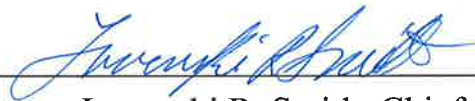
To the extent that the judicial complaint’s allegations challenge the district judge’s sentencing decisions, they must be dismissed as “directly related to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); *accord* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rules 4(b)(1), 11(c)(1)(B); J.C.U.S. Rule 3(h)(3)(A) (“Cognizable misconduct . . . does not include . . . an allegation that is directly related to the merits of a decision or procedural ruling. An allegation that calls into question the correctness of a judge’s ruling, including a failure to recuse, without more, is merits-related.”). A judicial complaint is not an alternative to an appeal of the judge’s decision. To the extent the judicial complaint alleges that the district judge showed

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.

bias 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.

July 8, 2022



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