

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-14-90005

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

This is a judicial complaint filed on March 28, 2014, against the United States magistrate judge who presided over the complainant's criminal prosecution. The complainant states the magistrate "judge was unfair" and "[threw] the book at" her, because she expected a maximum sentence of six months probation on a misdemeanor charge but received a six "month [detainer] on a GPS bracelet and [five years] probation." The complainant's appeal of her sentence to the United States Court of Appeals is ongoing. Here, the complainant asks that the magistrate judge be reprimanded.

The complainant also alleges misconduct by other persons, as follows: (1) a United States marshal "[coerced her] into writing a statement against [her]self" when she "was overmedicated" and "in an altered state of mind"; (2) her attorney "would not listen to" the complainant during the court proceedings; (3) the prosecutor "threatened" the complainant with charges on twelve felonies; and (4) a probation officer told the complainant she "was an easy mark."

The judicial complaint procedure is limited to United States judges and does not apply to other officials who work for or appear in the federal courts. See 28 U.S.C. § 351(a), (d)(1); Judicial-Conduct and Judicial-Disability Proceedings of

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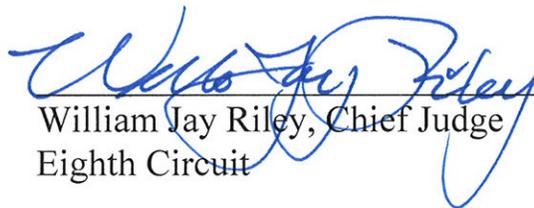
<sup>1</sup>Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit (E.C.), the names of the complainant and the judge complained about are to remain confidential, except in special circumstances not present here.

the Judicial Conference of the United States (J.C.U.S.) Rule 4; E.C. Rule 1(c). Thus, the complainant's allegations of misconduct by the marshal, her attorney, the prosecutor, the probation officer, or any other non-judicial persons are not considered here.

The complainant's allegations against the magistrate judge must be dismissed because they are directly related to the merits of the judge's sentencing decisions and are therefore not proper subjects of a judicial complaint. See 28 U.S.C. § 352(b)(1)(A)(ii); J.C.U.S. Rule 11(c)(1)(B). "An allegation that calls into question the correctness of a judge's ruling, . . . without more, is merits-related." J.C.U.S. Rule 3(h)(3)(A). The appropriate procedure is for the complainant to appeal her sentence to the court of appeals, as she is doing.

The complaint is dismissed.

May 12, 2014

  
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William Jay Riley, Chief Judge  
Eighth Circuit