

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-14-90007

In re Complaint of John Doe¹

This is a judicial complaint filed on April 3, 2014, by an inmate against the United States district court judge who presided over the complainant's criminal trial and sentencing hearings. The complainant claims the district judge "participated with the prosecutor in a fraudulent conviction." The complainant contends "[t]here was no evidence to convict [him]," and the district judge and the prosecutor "allowed perjury to commit this fraudulent conviction." In addition, the complainant states the district judge's "comments during sentencing" reveal the district judge pursued "a hate crime conviction based on [the complainant's] state conviction." The complainant cites "no proof of racial discrimination, but" proposes the "case was so crystal clear" "in [his] favor" that a person would be compelled to "extremely question this whole conviction." The complainant declares his "evidence is the whole record of [his] federal conviction."

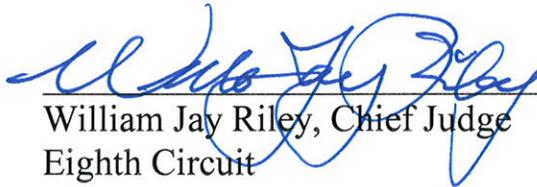
The judicial complaint procedure is limited to United States judges and does not apply to other officials who work for or appear in the federal courts. See 28 U.S.C. § 351(a), (d)(1); Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 4; E.C. Rule 1(c). Thus, the complainant's allegations of misconduct by the prosecutor are not considered here.

¹Under 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.

After careful review of the record, including the sentencing hearing transcripts, I find no evidence of “racial discrimination” or bias. The complainant’s remaining allegations against the district judge must be dismissed because they directly relate to the merits of the judge’s 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. Rules 3(h)(3)(A), 11(c)(1)(B). “An allegation that calls into question the correctness of a judge’s ruling, . . . without more, is merits-related. If the decision or ruling is alleged to be the result of an improper motive, e.g., . . . racial . . . bias . . . or improper conduct . . . , the complaint is not cognizable to the extent that it attacks the merits.” J.C.U.S. Rule 3(h)(3)(A). The complainant’s allegations of judicial misconduct, liberally construed, are otherwise vague, “frivolous, [and] lacking sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); see also J.C.U.S. Rule 11(c)(1)(C), (D); E.C. Rule 4(c)(3).

The complaint is dismissed.

May 29, 2014



William Jay Riley, Chief Judge
Eighth Circuit