

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-14-90028

In re Complaint of John Doe¹

This is a judicial complaint filed on September 12, 2014, by a criminal defendant against the United States district court judge presiding over complainant's criminal case. In a letter, complainant alleges the district judge ignored "the obvious perjury" in statements made by the prosecutor and "ha[s] acted with a boasting bias by accepting the false claims and sham accusations" against him. The letter also accuses the judge of "fractur[ing] the law by denying all penumbral, constitutional and inalienable rights by only giving recognition to [the judge's] own unrealistic and fanatical assertions."

In both the letter and a "Motion for Federal Investigation of Court Activity" filed with his complaint, complainant speculates as to the "possibility of" the district judge and lead prosecuting attorney "having a possible illicit affair of some type." Because the district judge and the prosecutor "both simultaneously had substitutes" at a hearing, complainant alleges they must have been hiding the fact that they "are sexual partners in some way and/or are performing criminal coercion and/or are possibly performing a conspiracy of some type."

Finally, in a document titled "Mental Incompetence of the Court," complainant alleges the district judge is mentally incompetent in light of (1) an order in which the

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.

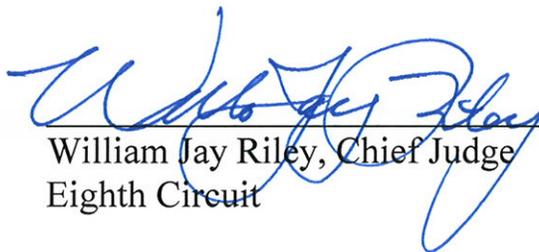
district judge incorrectly “mentioned how [complainant] had been before th[e] court in February of 2013,” and (2) the district judge “continuously mention[ing] on Court Record how it is only this court’s opinion which prevail, not the Constitutional Rights of/for the people and how only the President of the United States can surpass this court’s opinion or rulings.”

Many of complainant’s claims must be dismissed as “directly relat[ing] to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); see also Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(B); E.C. Rule 4(c)(2). “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 complainant’s remaining allegations are vague, speculative, conclusory, or some combination of the three. These claims are dismissed as “frivolous” and unsupported by “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. Rules 11(c)(1)(C), (D); E.C. Rule 4(c)(3).

The complaint is dismissed.

November 13, 2014



William Jay Riley, Chief Judge
Eighth Circuit