

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

---

JCP No. 08-15-90012

---

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

This is a judicial complaint filed on May 22, 2015, by a pretrial detainee against the United States magistrate judge who presided over portions of complainant's criminal case. Complainant alleges, in denying complainant bail, the magistrate judge violated the Bail Reform Act by detaining complainant without sufficient "findings of fact." According to complainant, the magistrate judge also wrongfully denied complainant's pro se motion to suppress and has failed to address a separate motion for substitute counsel. Complainant's counsel allegedly kept complainant from testifying at the bond hearing and had an "irreconcilable conflict" with complainant. Yet complainant alleges the magistrate judge would not assign complainant a new attorney because the magistrate judge was "protecting counsel that counsel is 'above the law.'" Finally, in separate documents, complainant airs general grievances about the local criminal justice system through which complainant's case was processed and declares "there's an investigation that[] needs to be done."

The judicial complaint procedure is limited to United States judges. See 28 U.S.C. § 351(a), (d). Complainant's allegations concerning the adequacy of his attorney's representation and the general state of the criminal justice system are thus dismissed because they are not the proper subjects of a judicial complaint.

---

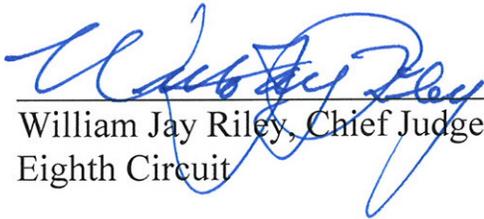
<sup>1</sup>Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit (E.C.), the names of the complainant and the judge complained about are to remain confidential, except in special circumstances not present here.

Complainant's additional allegations—the magistrate judge incorrectly (1) denied the motion to suppress, and (2) denied complainant bail—must be dismissed because they are “directly related to the merits of” the judge’s decision. 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). Complainant specifically challenges the correctness of the magistrate judge’s decisions—such complaints are purely merits-related and cannot be addressed here.

Finally, complainant’s allegation the magistrate judge failed to address complainant’s motion to substitute counsel, because the judge was “protecting” complainant’s counsel or somehow holding counsel as “above the law,” is dismissed because it is “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.

June 29, 2015

  
\_\_\_\_\_  
William Jay Riley, Chief Judge  
Eighth Circuit