

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP Nos. 08-15-90032/08-15-90033/08-15-90036

In re Complaints of John Doe¹

The above listed judicial complaints were filed on September 3, 2015, by a federal prisoner against two United States district judges and one United States magistrate judge who were, at various times, assigned to complainant's criminal case. The first district judge recused himself from complainant's criminal case and transferred the case to the second district judge and magistrate judge when complainant named the first district judge as a defendant in a federal lawsuit.

Complainant "requests that [the district judges] be disciplined, sanctioned, and impeached from their judicial positions for their dishonest abuses and for using judicial power to knowingly imprison one in violation of the US Constitution and for willfully obstructing the constitutional and statutory provisions they falsely swore to uphold upon oaths." Complainant asserts the first district judge,

knowing it to be false and baseless, lied in open court on 1 November 2013, by baldly accusing [complainant] of manipulation and he then rushed to sentence [complainant] knowing no federal crime was committed and he lacked all subject matter jurisdiction and knew or should have known the case involved a conspiracy to commit perjury by an agreement of prosecutors seeking an unlawful conviction.

¹Under Rule 4(f)(1) of the Eighth Circuit Rules Governing Complaints of Judicial Misconduct and Disability (E.C.), the names of the complainants and the judicial officers complained against are to remain confidential, except in special circumstances not present here.

Complainant continues, alleging the first district judge “refused to allow [complainant] to testify on the false, erroneous information in the presentence report and he helped coerce a plea by denying [complainant] of his right to self representation invoked numerously and not waived.”

As to the second district judge and the magistrate judge, complainant claims they

conspired to falsify judicial records in [a separate civil case complainant filed] by lying saying [complainant] was permitted to represent himself, had standby counsel even on appeal knowing it false but did so lie to conceal the denial of a right to represent self requires automatic vacation of conviction but acted maliciously to deny [complainant] of his liberty in violation of the US Constitution as a defense to [the second district judge’s] civil liability for acting in clear absence of jurisdiction (no crime no jurisdiction).

Complainant further complains the second district judge “has intentionally delayed any order on a 28 USC Section 2255 motion near 15 months filed in May 2014.” In complainant’s view, the second district judge “knows the law requires relief, knows the merits go to jurisdiction and is delaying to obstruct appellate review and is aware he has made appeal meaningless.”

Complainant speculates the second district judge “is a sociopath or suffers from antisocial personality disorder which is defined as he lacks the ability to feel guilt, shame or remorse for damaging the lives of people like [complainant] he victimizes by his corruptive use of judicial power.” According to complainant, the second district judge has “aided the commission of crimes under 18 USC Section 371, by omitting a duty to conduct a prompt hearing to enable [complainant to] prove that the only crime committed was by federal prosecutors.” Complainant contends the second district judge “is guilty of misprison [sic] of a felony, and . . . is a danger to the community” and “a threat to the criminal justice system, a threat that undermines

public confidence and integrity to the judiciary.” Complainant states the second district judge’s “orders reflect his intent ‘devoid of merit’ he omits any factual or legal basis for the purpose of hindering review of his orders that he is devoid as a human being, of any integrity needed by a federal judge.” Lastly, complainant claims the second district judge “has knowingly denied a copy of the records needed to petition the Supreme Court who would have supervisory power over district courts or mandamus jurisdiction.”

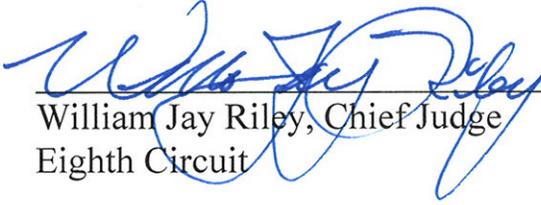
Complainant’s allegations against the three federal judges named in the complaint do not sufficiently allege an actionable instance of judicial misconduct or disability against any of them and must be dismissed because they are “directly related to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); see Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (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). Allegations of dishonesty, conspiracy, coercion, judicial bias, malice or any other improper motive or conduct are not necessarily merits-related, but such allegations must be dismissed as merits-related when, as here, the only support for the allegations is the merits of the judges’ rulings. See id.

Complainant’s myriad contentions, particularly those involving his psychoanalysis of the second district judge, are also “frivolous [and] lacking sufficient evidence to raise an inference that misconduct has occurred” or that a disability exists. 28 U.S.C. § 352(b)(1)(A)(iii); see J.C.U.S. Rule 11(c)(1)(C), (D).

To the extent complainant’s bald allegations of conspiracy are directed at prosecutors in his case or other non-judges, such allegations are not cognizable because the judicial-complaint procedure is limited to United States judges, and it does not apply to other officials who work for or appear in the federal courts. See 28 U.S.C. § 351(a), (d); J.C.U.S. Rule 4; E.C. Rule 1(c).

The complaint is dismissed.

October 5, 2015



William Jay Riley, Chief Judge
Eighth Circuit