

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP Nos. 08-15-90060/08-15-90061

In re Complaints of John Doe¹

These are judicial complaints filed on November 27, 2015, by a federal prisoner against the district court judge and magistrate judge assigned to his case. Other than the judges' names, the complaints are identical. The complainant alleges an FBI special agent who investigated him obstructed justice and lied in several affidavits, with the knowledge of the government and the complainant's present and former attorneys; and a probation officer prepared a presentence investigation report about the complainant based on information from an earlier report, without interviewing the complainant. According to the complainant, the judges, fully aware of these actions, ignored this misconduct. The complainant also points out supposed inconsistencies between the jury's verdict and other documents in his case, including the indictment, and between various pieces of evidence used to secure his conviction.


Much of the alleged misconduct the complainant describes is irrelevant here, because the judicial-complaint process is limited to United States judges. 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). It does not apply to law-enforcement officers, lawyers, or other people who work with the federal courts. Insofar as the complainant's allegations do concern the district judge and magistrate judge, those allegations too are not properly the subject of a judicial

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 judges complained about are to remain confidential, except in special circumstances not present here.

complaint, because they are “directly related to the merits” of the judges’ rulings in the complainant’s case. See 28 U.S.C. § 352(b)(1)(A)(ii); accord J.C.U.S. Rule 11(c)(1)(B). This is not the place for the complainant to argue the judges should have recognized the flaws complainant sees in the case against him. Further, the complainant’s bare assertions that the judges turned blind eyes to illegal acts by others are “lacking sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); accord J.C.U.S. Rule 11(c)(1)(D).

The complaints are dismissed.

February 8, 2016



William Jay Riley, Chief Judge
Eighth Circuit