

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-16-90007

In re Complaint of John Doe¹

This is a judicial complaint dated January 13, 2016, by a private citizen against a district court judge. The complainant claims he wrote the district judge a letter criticizing him and accusing him of racism. The complainant acknowledges “often us[ing] words that may appear as offensive, threatening, or disliked by others.” He is “most certain [the district judge] found [his] letter to be repulsive.”

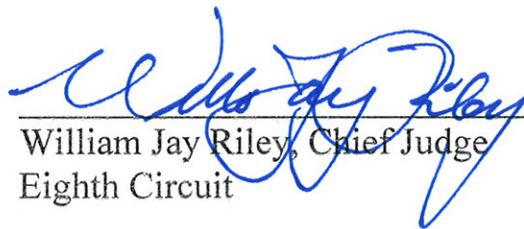
According to the complainant, two federal marshals came to his home a few days later, asked if he wrote the district judge a letter, and said “they were there because of the scary events happening in the world.” When the complainant asked what about his letter was scary, the marshals allegedly referred to the complainant’s speculation in his letter that the district judge “would enjoy the execution of a white man such as myself.” The complainant characterizes the incident as the district judge sending “goons” to “bully” and “silenc[e]” him because the district judge “did not like [the complainant’s] views.” As a result, according to the complainant, “[his] Post Traumatic Stress Disorder has manifested once again of fear in [sic] answering the door and the sight of law enforcement’s presents [sic].” The complainant also asserts he has been denied equal protection of the law because, unlike the district judge, he “did not have the opportunity to send out two thugs to suppress and stifle [his] adversaries” when he “felt [his] life had been threatened by government agents.”

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

Even if the complainant’s allegations are true—and even if the marshals’ actions could be attributed to the district judge, see 28 U.S.C. § 351(a), (d)(1) (explaining that the judicial-complaint process applies only to United States judges)—the conversation he describes was not improper or “prejudicial to the effective and expeditious administration of the business of the courts,” so it cannot be the subject of a judicial complaint. Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(A); see also 28 U.S.C. §§ 351(a), 352(b)(1)(A)(i). The complainant’s pejorative, unsupported characterization of the visit from the marshals as “retaliat[ory]” and “harass[ing]” does not change that fact. See 28 U.S.C. § 352(b)(1)(A)(iii) (calling for dismissal of “frivolous” complaints and those “lacking sufficient evidence to raise an inference that misconduct has occurred”); J.C.U.S. Rule 11(c)(1)(C), (D).

The complaint is dismissed.

February 23, 2016



William Jay Riley, Chief Judge
Eighth Circuit