

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP Nos. 08-16-90042/08-16-90043

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In re Complaints of Jane Doe<sup>1</sup>

These are judicial complaints filed on April 27, 2016, by an individual against a United States magistrate judge and the United States district judge who presided over the criminal trial of the complainant's family member, who, following a jury trial, was found guilty of conspiracy to possess with intent to distribute drugs and was awaiting sentencing.

The complainant raises numerous challenges related to her family member's apprehension, detention, and trial. First, the complainant challenges the information contained in the indictment, alleging the Drug Enforcement Administration (DEA) submitted false information (1) in affidavits, which were used to obtain wiretaps, and (2) to the grand jury. The complainant contends her family member was "illegally arrested" based on the "false information given to the Grand Jury." In the complainant's view, a DEA agent's testimony that there was no evidence against the complainant's family member "stand[s] to verify that the arrest of [the complainant's family member] . . . was illegal." The complainant reports her family member was never read his Miranda rights nor the charges against him.

The complainant challenges the magistrate judge's decision not to release her family member on bond, because he "is not a violent person," and complains of the

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

out-of-state facility at which her family member was detained. According to the complainant, the district judge, the prosecutor, and the public defender “kept bullying [her family member] with this Plea Agreement.” The complainant also contends the district judge “gave false information in open court” and “is intentionally aiding in the obstruction of justice” because, according to the complainant, the district judge stated “I haven’t seen any MOTIONS,” although the docket sheet shows the district judge received motions from the complainant’s family member and denied them.

The complainant alleges the district judge “wrote & submitted a bogus order for a Psychiatric Evaluation” and ordered her family member to “be sent thousands of miles away from his home . . . to have it conducted.” The complainant further reports her family member was denied his request for a new attorney, and the district judge and the public defender instead “conspire[d] to slander, bully & threaten” her family member by ordering a psychiatric examination. The complainant relates her family member’s “life has been threatened during this entire case” and that her family member was threatened and told he could not write “All Rights Reserved” or “Without Prejudice” above his signature when signing documents. The complainant adds that her family member is being denied mail, except from his attorney, and the district judge said “I suggest you give [the mail] to your Attorney then.”

The complainant charges the judges with violating her family member’s rights under the Fifth, Sixth, Eighth, Thirteenth, and Fourteenth Amendments to the United States Constitution. The complainant alleges the judges have obstructed justice, committed perjury, and failed to “uphold the integrity and independence of the judiciary.”

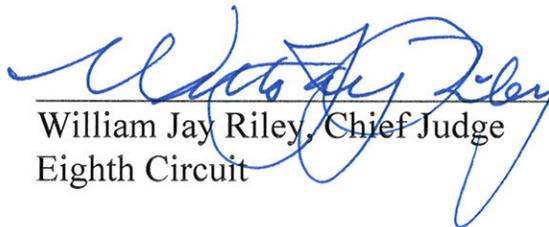
Most of the complainant’s grievances, and the heart of the complaint, are not cognizable in a judicial complaint and must be dismissed because they are “directly related to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); accord Judicial-Conduct and Judicial-Disability Proceedings of the Judicial

Conference of the United States (J.C.U.S.) Rules 3(h)(3)(A), 11(c)(1)(B). If the complainant's family member is dissatisfied with the merits of any of the judges' rulings, he may seek appellate review in the Eighth Circuit Court of Appeals at the appropriate time. The complainant's allegations thus "lack[] sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii); J.C.U.S. Rule 11(c)(1)(D).

Finally, to the extent the complainant challenges the actions of individuals who are not United States judges, these complaints must be dismissed as outside the scope of the judicial complaint procedure because the judicial complaint procedure applies only to United States judges. See 28 U.S.C. § 351(a), (d)(1); J.C.U.S. Rule 4; E.C. Rule 1(c).

The complaints are dismissed.

June 21, 2016



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William Jay Riley, Chief Judge  
Eighth Circuit