

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-17-90087

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

This is a judicial complaint filed by a complainant against the district judge who revoked his supervised release for a second time. One of the complainant's supervised-release conditions was to "pay the restitution as previously ordered by the Court," and the revocation petition alleged, among other things, that the complainant failed to pay his restitution for certain months. According to the revocation petition, the complainant stated that "no money was owed to the victim." Following a revocation hearing, the district judge found the complainant in violation of his conditions of supervision and revoked his supervised release.

The judicial complaint alleges that the district judge, the chief probation officer, the complainant's assigned probation officer, members of the United States Attorney's Office, the complainant's appointed counsel, and government witnesses are "involved in an extortion conspiracy." Specifically, the complainant alleges that (1) the chief probation officer and the assigned probation officer "were aware the restitution amount was false"; (2) the district judge appointed certain attorneys to represent the complainant "to cover up [the conspirators'] crimes; (3) the complainant's appointed attorney was aware that "the restitution was false"; (4) a government witness who testified at the hearing handed a court clerk a business card

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

“as if to validate their scheme”; and (5) the district judge “was fully aware of the disqualification of the U.S. Attorney[‘s] office” in the complainant’s case.

The complainant’s allegations of an extortion conspiracy are “frivolous” and “lacking sufficient evidence to raise an inference that misconduct has occurred”; accordingly, the allegations must be dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); *accord* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(C),(D).

Additionally, in light of the complainant’s suggestions of misconduct by attorneys, probation officers, and witnesses, I note that the judicial-complaint process is limited to United States judges and does not apply to other people who work or interact with federal courts and the criminal-justice system. *See* 28 U.S.C. § 351(a), (d)(1); J.C.U.S. Rule 4; E.C. Rule 1(c).

The complaint is dismissed.

October 2, 2017



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Lavenski R. Smith, Chief Judge  
United States Court of Appeals  
for the Eighth Circuit