

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-18-90022

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate against a United States magistrate judge allegedly involved in the inmate's criminal case. The judicial complaint alleges that the magistrate judge "has failed to bring about court for the defendant in this case within the 5th and 6th amendments prescribed definition of 'right to a speedy trial,'" resulting in "dil[a]tory delay of court for the purpose of giving the prosecution unfair advantage and fals[el]y imprisoning the defendant with no trial or court date given." The judicial complaint further alleges that the magistrate judge "may be in [a] conspiracy with" another magistrate judge and a district judge.

The complainant's allegation of a conspiracy is purely speculative and "lack[s] sufficient evidence to raise an inference that misconduct has occurred"; accordingly, the allegation 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). In addition, the delay allegation must be dismissed because any alleged delay in rendering a decision or ruling in a particular case is not conduct prejudicial to the effective and expeditious administration of the business of the courts within the meaning of 28 U.S.C. § 351(a), the judicial complaint statute. Rather, this type of alleged delay is excluded as merits related. *See* J.C.U.S. Rule 3(h)(3)(B).

¹Under 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.

The complaint is dismissed.

May 21st, 2018



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