

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-19-90012

In re Complaint of John Doe¹

This is a judicial complaint by a federal defendant against the United States district judge who presided over the defendant's criminal case.

The judicial complaint alleges that the district judge violated the Commerce Clause and Equal Protection Clause of the United States Constitution and violated the Bureau of Prisons' policy by having placed the complainant in a minimum security prison. The complainant challenges certain supervised release conditions that the district judge had placed on him, as well as his placement on a certain registry. According to the complainant, the district judge's office advised the complainant to speak with an attorney. The complainant accuses the district judge of "hav[ing] committed a triple felony."

These allegations challenge the district court's orders in the complainant's criminal case. Thus, they are "directly related to the merits of a decision or procedural ruling" and are not cognizable in a judicial complaint. *See* 28 U.S.C. § 352(b)(1)(A)(ii); 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). Furthermore, the allegations are "frivolous, lacking sufficient evidence to raise an

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.

inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); *accord* J.C.U.S. Rule 11(c)(1)(C)-(D). Accordingly, the allegations must be dismissed.

The complaint is dismissed.

March 14, 2019



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