

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-19-90014

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

This is a judicial complaint by a pro se criminal defendant against the United States district judge presiding over the defendant's case. Following the defendant's indictment, a magistrate judge granted the defendant pretrial release subject to certain conditions. Subsequently, an arrest warrant was issued for the defendant. Four days later, a bond revocation hearing was scheduled and held. At the hearing, the defendant, proceeding pro se, objected to the allegations. After consideration of the evidence, the district judge revoked the defendant's pretrial release and remanded the defendant to the custody of the United States Marshal to await designation of a Bureau of Prison facility where a psychiatric or psychological exam will be performed.

The judicial complaint alleges that defendant "was seized by the United States Marshals (without an arrest warrant)" and "forcibly escorted to a secret hearing that neither [the defendant] nor [the] stand-by attorney . . . were notified of." The judicial complaint alleges that the defendant notified the district judge at the bond revocation hearing that the defendant had no notice of the hearing and lacked the ability to raise a meaningful defense. According to the judicial complaint, the defendant objected to the admission of certain evidence at the hearing, but the district judge overruled the objections. The judicial complaint challenges the district judge's order for a mental

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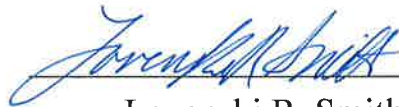
<sup>1</sup>Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the names of the complainant and the judicial officer complained against are to remain confidential, except in special circumstances not here present.

evaluation, contending that the district judge and the government “had entered into an agreement (verbal or nonverbal, intentional or unintentional) to deny [the defendant’s] due process rights.”

These allegations are directly related to the merits of the district judge’s decisions or procedural rulings 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 4(b)(1), 11(c)(1)(B). To the extent the judicial complaint alleges that the district judge conspired with the government, these allegations are “frivolous, lacking sufficient evidence to raise an 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.

April 22, 2019



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