

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-20-90022

In re Complaint of John Doe¹

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

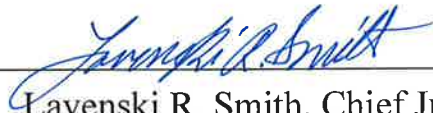
The judicial complaint alleges that the district judge showed "racial bias and prejudice" against the complainant at the change-of-plea hearing. At the hearing, the judicial complaint alleges, the district judge showed "blatant disrespect" for the complainant and the complainant's family. According to the judicial complaint, the district judge referred to documents that the complainant filed as "hogwash" and stated that they lacked legal effect. The judicial complaint alleges that the district judge would not allow the complainant to listen to a recording of an individual who confessed to the crime for which the complainant was charged. It further alleges that "the whole [change-of-]plea hearing was[] based on 'fraud' because [j]urisdiction was never proved from the start." And, the judicial complaint asserts, the complainant "informed [the district judge] [at the hearing] that [the complainant] felt pressured into pleading guilty" and that the district judge "coach[ed] [the complainant] into pleading guilty with[out] [the complainant] understanding the nature of the charge" and misrepresented what the complainant's sentence would be.

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.

I have reviewed the change-of-plea hearing transcript. *See* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) 11(b). Based on my review, I conclude that the complainant’s allegations that the district judge showed racial bias and prejudice against the complainant, showed disrespect to the complainant’s family, and engaged in fraudulent conduct by “coaching” the complainant to plead guilty are unfounded and therefore “lack[] sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); *accord* J.C.U.S. 11(c)(1)(D). To the extent the judicial complaint challenges the jurisdiction of the court and the district judge’s rulings during the change-of-plea hearing, it must be dismissed because its allegations are “directly related to the merits of a decision or procedural ruling.” *See* 28 U.S.C. § 352(b)(1)(A)(ii); J.C.U.S. Rules 4(b)(1), 11(c)(1)(B).

The complaint is dismissed.

May 28, 2020



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