

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-20-90026

In re Complaint of John Doe¹

This is a judicial complaint filed by a criminal defendant against the United States district judge presiding over the defendant's case.

The judicial complaint alleges that the district judge "is acting with intentional and malicious bias" against the defendant. Specifically, the judicial complaint alleges that the district judge (1) permitted a magistrate judge to deny the defendant's motions without the district judge's approval, (2) denied the defendant's due process rights by denying the defendant's pro se motions,² and (3) erroneously "denied reasonable bail." According to the judicial complaint, the district judge's actions are "a possible expression of radical racism."

The judicial complaint is devoid of any evidence to substantiate the claim of racial discrimination against the defendant; therefore, the allegations must be dismissed as "frivolous [and] "lacking sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii); *accord* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States Rule (J.C.U.S.) 11(c)(1)(C), (D). To the extent the judicial complaint challenges the


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.

²The record shows that the district judge denied the defendant's pro se motions because the defendant is represented by counsel.

district judge's tacit approval of the magistrate judge's orders or the district judge's denial of the defendant's motions, the allegations must be dismissed because they are "directly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii); *accord* J.C.U.S. Rules 4(b)(1), 11(c)(1)(B).

The complaint is dismissed.

July 10, 2020



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