

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-20-90037

In re Complaint of John Doe¹

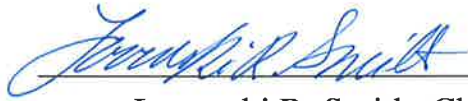
This is a judicial complaint filed by an inmate against the United States district judge who presided over the complainant's criminal case. In the judicial complaint, the complainant alleges that the district judge violated the complainant's due process rights by not (1) ordering a mental evaluation for the complainant, and (2) granting the complainant a downward variance from the advisory Guidelines range based on the complainant's diagnosed mental disorders.

The judicial complaint directly challenges the decisions the district judge made in the complainant's criminal case; as a result, 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* 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).

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.

7/28/2020, 2020



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