

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-20-90089

In re Complaint of John Doe¹

This is a judicial complaint filed by a criminal defendant (“complainant”) against the United States district judge who is presiding over the complainant’s criminal case.

The complainant alleges that the district judge has “relatives [that are] a party to the proceedings.” The complainant bases this allegation on “[r]everberated echoes suggest[ing] that [an] Assistant United States Attorney . . . representing the [g]overnment on [the complainant’s case]” is “cousins” with the district judge. The complainant also complains about the court clerk’s office not docketing certain pro se filings. According to the complainant, the clerk’s office represented that the filings were given to the district judge and instructed the complainant that the district judge would determine whether to place the filings on the docket. The complainant maintains that the representations of the clerk’s office are “contrary to the Court’s Administrative Procedures For Case Management and violate[] the pursuit of sixth amendment constitutional rights.”

I have reviewed the record. *See* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(b). The record shows the complainant is represented by counsel. It also shows that 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.

complainant has filed a “Motion To Seek Review of Conduct of Clerk[‘s] Office” with the district judge. That motion is pending. At this time, the complainant has not moved for the district judge to recuse based on the alleged familial relationship.

The complainant concedes that the allegation of a familial relationship between the Assistant United States Attorney and the district judge is based on mere rumor and speculation. Therefore, the allegation of a conflict of interest 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* J.C.U.S. Rule 11(c)(1)(C), (D). To the extent the judicial complaint challenges the conduct of employees of the clerk’s office in not docketing certain pro se filings, such employees are not “covered judges” under the Judicial Conduct and Disability Act. *See* J.C.U.S. Rule 1(b).

The judicial complaint is dismissed.

8/9/2024, 2021



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