

## JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

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JCP No. 08-20-90090

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

This is a judicial complaint filed by a criminal defendant against the United States magistrate judge who set the defendant's conditions of release.

The record shows that after the defendant was released from confinement and began a term of supervised release, a petition was filed alleging that the defendant violated the terms of his supervised release. The defendant was arrested and made an initial appearance. The government sought prehearing detention, and the defendant orally requested a hearing on the issue. The magistrate judge held a hearing and determined that the defendant should be released pending a final hearing, subject to certain conditions.

The judicial complaint contains no allegations of misconduct against the magistrate judge. Instead, the judicial complaint attaches as an exhibit the magistrate judge's order setting additional conditions of release, a report from the Social Security Administration advising the complainant he cannot receive supplemental security income disability payments while incarcerated, a motion to proceed in forma pauperis that the complainant filed in the United States Court of Federal Claims, and an order entered by the United States Court of Federal Claims granting the government's motion to dismiss the complainant's complaint seeking a refund due

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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.

to a deceased taxpayer. Because the judicial complaint is devoid of any allegations or evidence of judicial misconduct, it must be dismissed. *See* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States Rule (J.C.U.S.) 11(c)(1)(D).

The complaint is dismissed.

January 19, 2021

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