

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-20-90103

JCP No. 08-20-90104

JCP No. 08-20-90105

In re Complaint of John Doe¹

This is a judicial complaint filed by a criminal defendant against the three United States circuit judges who adjudicated the defendant's appeal.

The judicial complaint alleges that the circuit "judges were dishonest and lied about" the applicability of plain error review to the complainant's case because, the complainant maintains, the judges should have applied "the harmful[] error standard."

"Cognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling" Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States Rule (J.C.U.S.) Rule 4(b)(1). Because the judicial complaint challenges the legal standard that the judges applied to the complainant's appeal, it "is directly related to the merits of a decision" and must be dismissed. *See* J.C.U.S. Rule 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.

January 20, 2021



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