

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-21-90030

In re Complaint of John Doe¹

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

The judicial complaint alleges that the complainant “was very hesitant to plead guilty, but the [district] [j]udge accepted [the] guilty plea even though it was very clear that [the complainant] was forced to make this decision.” According to the judicial complaint, the complainant “wrote a letter to [the district] [j]udge . . . stating that [the complainant] never intended to commit any crime,” but the district judge “ignored this letter.” The judicial complaint also alleges that the complainant pleaded guilty to one offense, but the district judge sentenced the complainant to another. The judicial complaint challenges the district judge’s “misjudgment.”

The judicial complaint must be dismissed because all of the allegations directly challenge the district judge’s acceptance of the complainant’s guilty plea and sentencing decision. 28 U.S.C. § 352(b)(1)(A)(ii) (“[T]he chief judge . . . may . . . dismiss the complaint . . . if the chief judge finds the complaint . . . directly related to the merits of a decision or procedural ruling”); *accord* 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 judicial complaint is dismissed.

9/11, 2021



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