

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-21-90037

JCP No. 08-21-90038

In re Complaint of John Doe¹

This is a judicial complaint filed by a criminal defendant (“complainant”) against the United States district judge and the United States magistrate judge assigned to the complainant’s case.

The judicial complaint incorporates by reference the complainant’s petition for writ of mandamus filed by the Eighth Circuit, which denied the petition. In that petition, the complainant asked this court to direct the district judge to rule on several outstanding motions. Additionally, the judicial complaint requests that the district judge be ordered to rule on the complainant’s motion for bail.

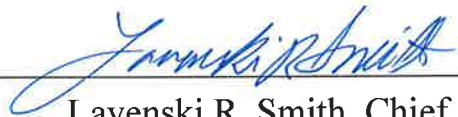
I have reviewed the record. *See* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(b). The record shows that the district judge or magistrate judge have ruled on all motions referenced in the petition and judicial complaint. Moreover, “[c]ognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” J.C.U.S. Rule 4(b)(2).

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.

Here, the complainant has not alleged “improper motive” or “habitual delay in a significant number of unrelated cases.” *See id.*

Accordingly, the judicial complaint is dismissed. *See* J.C.U.S. Rule 11(c)(1)(A).

October 22, 2021



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