

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-21-90070

In re Complaint of John Doe¹

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

The judicial complaint alleges that the district judge (1) denied the complainant a fair trial and displayed bias against the complainant by not appointing an expert witness under Federal Rule of Evidence 706; (2) violated the complainant’s due process rights by not dismissing counts 1 and 3 of the indictment; (3) violated the complainant’s constitutional rights by imposing certain supervised-release conditions; (4) acted in violation of the district judge’s judicial function by (a) granting the government’s motion for release of funds from the complainant’s trust account, (b) interrupting the complainant during allocution and forcing the complainant to admit certain facts during sentencing, and (c) allowing a two-level enhancement.

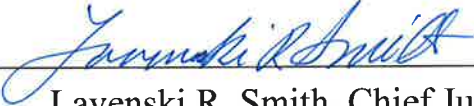
“Cognizable misconduct does not include an allegation that calls into question the correctness of a judge’s ruling” Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 4(b). To the extent that the judicial complaint’s allegations challenge the district judge’s rulings, they must be dismissed as “directly related to the merits of a decision or

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.

procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); *accord* J.C.U.S. Rule 11(c)(1)(B). To the extent that the judicial complaint alleges that the district judge was biased against the complainant, the allegations are “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)(D).

Accordingly, the judicial complaint is dismissed.

May 23, 2022



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