

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90003

In re Complaint of John Doe¹

This is a judicial complaint filed by a criminal defendant against the United States district judge assigned to the complainant's criminal case.

The judicial complaint alleges that the district judge "abused the court's discretion and erred as [the district judge's] order show[s] [the district judge] relied on . . . a flawed review of [the complainant's] . . . motion [for compassionate release] and [the complainant's] unrelated Fed. R. Civ. P. 60(d)(3) motion." The complainant alleges that the district judge's order "show[s] there were erroneous[] findings of fact, misrepresentations, combined with several material omissions of other key facts that misled [the district judge] to erroneously conclude" that the complainant "had not been rehabilitated." The complainant contends that the district judge's "erroneous misrepresentations misled [the district judge] to improperly apply 18 U.S.C. § 3553(a) and deny [the complainant's] motions for compassionate release." Additionally, the complainant maintains that the district judge "erroneously insisted" in an order denying the complainant's motion for reconsideration that the district judge "was not mistaken" in denying the complainant's motion for compassionate release. In a supplement to the judicial complaint, the complainant identifies several orders of the district court as evidencing the district judge's bias against the complainant.

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.

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). To the extent that the judicial complaint’s allegations challenge orders of the district judge, they must be dismissed as “directly related to the merits of a decision or procedural ruling.” 28 U.S.C. § 352(b)(1)(A)(ii); *accord* J.C.U.S. Rules 4(b)(1), 11(c)(1)(B). To the extent the judicial complaint alleges that the district judge is 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)(C)(D).

Accordingly, the judicial complaint is dismissed.

5/24/22

, 2022



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