

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90024

In re Complaint of John Doe¹

This is a judicial complaint filed by an inmate (“complainant”) against a United States circuit judge.

The judicial complaint alleges “unconstitutional and un[n]ecessary delay” in the adjudication of the complainant’s appeal. The judicial complaint further alleges that “[h]istorically, [the] circuit judge . . . has been part of an ongoing conspiracy to delay the lawful freedom of the complain[ant]” based on a prior appeal. According to the judicial complainant, the delay in adjudicating the appeal demonstrates the circuit judge’s “motive . . . to provide time to cover up several ‘CIVIL RIGHTS’ violations committed by the [d]istrict [court]” and to “assist[] the Federal Defenders Office, and the United States Attorney’s Office, . . . in their plot to find a way to bur[]y complain[ant] in prison to silence [the complainant].”


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). “Cognizable 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 3(h)(3)(B). Because the judicial complaint lacks sufficient

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.

evidence of improper motive or habitual delay, the delay allegations are dismissed as merits-related. *See* J.C.U.S. Rule 11(c)(1)(B). To the extent the judicial complaint alleges that the circuit judge is involved in a conspiracy or has engaged in other improper conduct, the allegations are “frivolous” and “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.

May 25, 2022



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