

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-22-90052

In re Complaint of John Doe¹

This is a judicial complaint filed by a criminal defendant (“complainant”) against the chief United States district judge of the district.

The judicial complaint alleges that the district judge “should have put together” a “Special Committee” “to investigate the misconduct” of a United States magistrate judge, an assistant United States attorney, courtroom deputies, federal public defenders, and probation officers. The complainant acknowledges the complainant’s filing of a separate judicial complaint against the magistrate judge. Nonetheless, the complainant contends that the district judge is “covering up” for the magistrate judge by not acting on a letter complaint that the complainant mailed to the district judge in which the complainant sets forth the magistrate judge’s alleged misconduct.

The complainant’s filing of a judicial complaint was the proper method to allege misconduct against the magistrate judge. As a result, the district judge did not engage in misconduct by not answering the letter complaint. As a result, the complainant’s allegations of a cover-up and other misconduct are “lacking sufficient evidence to raise an inference that misconduct has occurred.” 28 U.S.C. § 352(b)(1)(A)(iii); *accord See* Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) 11(c)(1)(D).

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.

Accordingly, the judicial complaint is dismissed.

July 21, 2022



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