

FILED

October 24, 2024

Lyle W. Cayce
Clerk

Before the Judicial Council of the Fifth Circuit

Complaint Number: 05-24-90093 through 05-24-90097

Petition for Review by [REDACTED]
Regarding Complaint of Misconduct and/or Disability Against
United States [REDACTED]
[REDACTED] and
United States [REDACTED] and
United States [REDACTED]
[REDACTED]

Under the Judicial Improvements Act of 2002, 28 U.S.C. §§ 351-364.

ORDER

An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Chief Judge Priscilla Richman, filed July 25, 2024, dismissing the Complaint of [REDACTED] against United States [REDACTED] [REDACTED] and [REDACTED] and United States [REDACTED] and United States [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

10-24-2024
DATE

Catharina Haynes
Catharina Haynes
United States Circuit Judge
For the Judicial Council of the Fifth Circuit

FILED

July 25, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-24-90093 through 05-24-90097

MEMORANDUM

Complainant, a pro se litigant, has filed a complaint alleging misconduct in his employment discrimination case by the subject United States District Judge and United States Magistrate Judge, and by the three subject United States Circuit Judges in the related appeal.

Rather than make specific allegations against each subject judge, Complainant states that the following “collective allegation[s]” are aimed at “all judges who have played a role in the adjudication of this case [sic].”

- The judges failed to consider “critical” evidence that was “integral to understanding the full scope of my allegations,” i.e., during prelitigation proceedings before the United States Equal Employment Opportunity Commission, the defendant “had acknowledged the validity of my claims to the extent that they were willing to offer a financial settlement.”
- “By disregarding the evidence of the mediation and the offer made,” the judges demonstrated that they “may have been predisposed to dismissing my case without a full and fair evaluation of all the facts.”
- Despite the complaint’s presenting “clear and compelling evidence” in support of his claims against the defendant, the judges “paint[ed] an inaccurate picture of events and unfairly

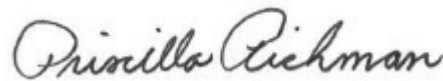
discredit[ed] [me]” and made “false statements regarding the sufficiency of the initial complaint, as well as the subsequent [motion for] summary judgment.”

- The judges “failed to apply the law correctly and impartially,” and their “malicious disregard for the law resulted in an unjust outcome that ignored the merits of the case and undermined the principles of justice.”
- The judges’ intentional misrepresentations were “racially motivated” and constitute evidence of “perjury,” and their adverse rulings “maliciously demonstrate a clear bias against me” by “denying me a fair trial and hearing owing to [my] race.”

To the extent that these allegations relate directly to the merits of decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertions of prejudice, bias, or racial animus appear entirely derivative of the merits-related charges, but to the extent the allegations are separate, they are wholly unsupported, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as “lacking sufficient evidence to raise an inference that misconduct has occurred.”

Judicial misconduct proceedings are not a substitute for the normal appellate review process, nor may they be used to obtain reversal of a decision or a new trial.

An order dismissing the complaint is entered simultaneously herewith.



Priscilla Richman
Chief United States Circuit Judge

July 24, 2024