

Judicial Council for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 12, 2021

Lyle W. Cayce
Clerk

Complaint Numbers: 05-21-90046 through 05-21-90064

MEMORANDUM

Complainant, a pro se litigant, has filed a complaint alleging misconduct by all members of the en banc Court of this Circuit for denying his petition for rehearing and petition for rehearing en banc.¹ He claims that in doing so, they “committed cognizable misconduct by using their office to provide special favors for the Government attorneys.”

The allegations relate directly to the merits of the en banc Court’s ruling and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

To the extent that complainant alleges misconduct by a senior circuit judge who did not participate in the en banc Court, the allegation is subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii).

¹ Complainant identifies nineteen circuit judges, including two senior circuit judges, as the subjects of his complaint. A review of the record shows that only one of the senior circuit judges participated in the en banc Court.

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 R. Owen
Chief United States Circuit Judge

March 11, 2021

FILED

May 12, 2021

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-21-90046 through 05-21-90064

Petition for Review by [REDACTED]

of the Final Order filed March 12, 2021

dismissing the Judicial Misconduct Complaint against

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED],
Under the Judicial Improvements Act of 2002.

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 R. Owen, filed March 12, 2021, dismissing the Complaint against [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED], under the
Judicial Improvements Act of 2002.

The Order is therefore AFFIRMED.

Lee H. Rosenthal
Chief United States District Judge
For the Judicial Council of the Fifth Circuit

May 11, 2021