

FILED

March 12, 2021

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-21-90080

MEMORANDUM

Complainant, a pro se litigant, has filed a complaint alleging misconduct by the subject United States District Judge.

Complainant has provided a copy of an article which discussed the judge's legal career prior to taking the bench. The article stated that many years after a now-retired District Attorney spoke to the judge's high school class, the judge worked as an assistant district attorney alongside the District Attorney, prosecuting a case that was significant to the judge's legal career. Based on that statement, complainant concludes that the judge has a "lifelong friendship" with the District Attorney's family and should therefore have recused sua sponte in complainant's case in which the District Attorney's relative is a defendant.

Complainant further asserts that the judge's order dismissing his federal suit was "shocking and discriminating against [the] average citizen," and that he was making a constitutional challenge to a statute and the judge should have certified that supposed challenge to the State Attorney General.

These allegations relate directly to the merits of the judge's rulings and implied decision not to recuse sua sponte, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

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.

A handwritten signature in cursive script, reading "Priscilla R. Owen".

Priscilla R. Owen
Chief United States Circuit Judge

March 11, 2021

FILED

May 26, 2021

Lyle W. Cayce
Clerk

**Before the Judicial Council
of the Fifth Circuit**

No. 05-21-90080

Petition for Review by [REDACTED]
of the Final Order Filed March 12, 2021,
Dismissing Judicial Misconduct Complaint
Against [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 of [REDACTED] [REDACTED], under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

May 25, 2021
Date

Jennifer W. Elrod

Jennifer W. Elrod

United States Circuit Judge

For the Judicial Council of the Fifth Circuit