

**FILED**

April 13, 2021

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-21-90083

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## MEMORANDUM

Complainant, a medical doctor and principal of a debtor in bankruptcy, has filed a complaint alleging misconduct by the subject United States Bankruptcy Judge in the underlying bankruptcy and adversary proceedings.

In his densely-worded complaint, complainant essentially challenges the merits of every ruling that the judge has made in the two matters. He argues that the judge misapplied the law “to advantage his Friends” and to benefit his “former law clerks” Attorney A, counsel for a creditor, and Attorney B, counsel for the trustee.<sup>1</sup> Complainant provides no evidence of the judge’s allegedly improper motives—i.e., “[to] manipulate the judicial process to fulfill the improper solicitations by Parties [complainant] accused of racketeering and coordinated insurance claim Fraud” and “to conceal Fraud-on-the-Court and protect Officers of the Court”—other than arguing that his rulings were incorrect.

To the extent that these allegations relate directly to the merits of the judge’s rulings or procedural decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegations of bias and

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<sup>1</sup> According to their online resumés, Attorney A is a former law clerk to the subject United States Bankruptcy Judge, whereas Attorney B is a former law clerk to a retired United States Bankruptcy Judge.

improper motive 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.



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Priscilla R. Owen  
Chief United States Circuit Judge

April 11, 2021