

FILED

April 13, 2021

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-21-90087

MEMORANDUM

Complainant, a federal prisoner, alleges that the subject United States District Judge has deliberately and vindictively delayed ruling on his 28 U.S.C. § 2255 motion due to “the nature of the crime” for which he was convicted, to cover up the federal prosecutor’s alleged misconduct, and in retaliation for complainant’s filing a motion for the judge’s recusal and a civil action alleging prosecutorial misconduct in the criminal proceeding.

A review of the docket indicates that the judge has ruled promptly on complainant’s other motions throughout the proceeding, and any delay in ruling on the § 2255 motion is likely attributable, in part, to complainant’s repetitive motions, interlocutory appeals, and multiple petitions for writs of mandamus.

Regardless, the conclusory assertion that the judge has intentionally and vindictively delayed ruling on the § 2255 motion is insufficient to support a finding of judicial misconduct and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

An order dismissing the complaint is entered simultaneously herewith.



Priscilla R. Owen

Chief United States Circuit Judge

April 11, 2021