

FILED

January 10, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-22-90007

MEMORANDUM

Complainant, a private citizen, has filed a complaint alleging misconduct by the subject United States District Judge.

Complainant recounts that he sent an email to the judge's "various uscourts.gov email addresses" in which he provided "information" about "potential criminal conduct committed by special [federal] agents . . . which may give rise to potential Brady/Giglio issues" in a pending criminal proceeding. He also shared his concern that the prosecutor and defense counsel "may not conduct the proper inquiries into this issue" and he asked the judge to "conduct the proper inquiries in order to ensure that the Due Process rights of the defendants in this case are protected."

Complainant reports that the judge did not respond to his emails but, several days later, he received an email with the subject line "unauthorized communications with U.S. Court judges and personnel" from a district court clerk's office employee. He protests that the email contained statements that constitute "potential constitutional violations," e.g., the statement that "[t]he Court will not tolerate attempts to seek relief via email" was "an attempt to restrict my First Amendment Right to address my Government" and was "exceedingly hyperbolic because [it] caused me to believe that I committed a crime when in fact I had not done so."

Complainant submits that if the judge instructed clerk's office personnel to send the unconstitutional and "inappropriately and unlawfully coercive" email, he "may have committed judicial misconduct" and "his suitability and fitness to continue to serve as a United States District Court Judge should be questioned."

It was entirely proper for the judge not to respond to ex parte communications about a pending case, and to instruct clerk's office personnel (if he in fact did so) to notify complainant of the proper procedures for communicating with the court, and the allegations are 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

January 5, 2022