

**FILED**

January 10, 2022

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Numbers: 05-22-90027 and 05-22-90028

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## MEMORANDUM

Complainant, a pro se litigant, has filed a complaint alleging misconduct by the two subject United States Bankruptcy Judges in two separate Chapter 13 proceedings.

Complainant alleges that during a September 2018 hearing in Case 2, Judge A: “ignored evidence demonstrating fraudulent documents” were “filed . . . in commission of a crime to robe [sic] me of my property”; improperly “overruled” Judge B’s August 2018 ruling in Case 1 (purportedly) confirming complainant’s “bankruptcy rights” as “a protected disabled veteran”; and, in dismissing the bankruptcy petition, Judge A “caus[ed] [me] the loss of [my] property.” He further complains that despite filing motions to reopen both cases based on Judge A’s “egregious” error, neither Judge A nor Judge B “was w[i]lling to judicially act to correct the wrongful loss of [my] home.”

Complainant also alleges that during the September 2018 hearing, Judge A “conveyed the impression that the Trustee knew better the law than [I did], was not patient before a decision, demonstrated bias, failed to examine [my] evidence, and didn’t act impartially.” A review of the audio-recording of the hearing demonstrates that Judge A was patient and courteous, allowed complainant to present his arguments to the court, listened to counterarguments from the Trustee and the creditor’s counsel,

and explained at length why complainant's interpretation of the Bankruptcy Code was incorrect.

To the extent that these allegations relate directly to the merits of Judge A's and Judge B's rulings and procedural decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). To the extent that complainant alleges that Judge A displayed impatience during the hearing, that claim is contradicted by the record and is therefore subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii). In other respects, any assertion of bias appears entirely derivative of the merits-related charges, but to the extent the allegation is separate, it is wholly unsupported, and is 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

January 5, 2022

**FILED**

March 4, 2022

Lyle W. Cayce  
Clerk

# Before the Judicial Council of the Fifth Circuit

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Complaint Numbers: 05-22-90027 and 05-22-90028

Petition for Review by [REDACTED]  
of the Final Order Filed January 10, 2022,  
dismissing the Judicial Misconduct Complaint against  
[REDACTED]  
and [REDACTED]

Under the Judicial Improvements Act of 2002.

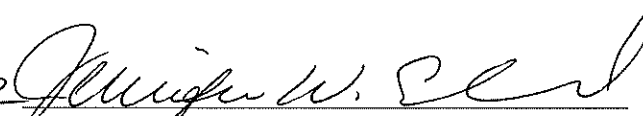
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## ORDER

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 January 10, 2022, dismissing the Complaint of [REDACTED] against [REDACTED] [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

Date

March 2, 2022 

Jennifer W. Elrod

United States Circuit Judge

For the Judicial Council of the Fifth Circuit