

**FILED**

May 20, 2022

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-22-90039

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## MEMORANDUM

Complainant, a state prisoner, has filed a complaint alleging misconduct by the subject United States District Judge in complainant's 42 U.S.C. § 1983 proceeding.

In January 2022, noting that complainant had previously accrued three strikes for the purposes of 28 U.S.C. § 1915(g), the judge denied complainant's application to proceed in forma pauperis and dismissed his lawsuit without prejudice. The judge further ordered that complainant could move to reinstate the case if he paid the full filing fee within 30 days, but warned that complainant "may face additional sanctions if the court finds that his Complaint is frivolous, malicious, or fails to state a claim."

Complainant alleges that the dismissal of his lawsuit and the "threat" of sanctions constitute evidence that the judge is part of a "plot . . . to force me into silence and to stop me from exposing State corruption, collusion, and RICO crimes." He further asserts that the judge has received "bribes" from "billion dollar corporations" as part of a "criminal conspiracy to cover-up [the defendants'] crimes and liabilities."

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

This is complainant’s third merits-related and/or conclusory judicial misconduct complaint within four months. Complainant is WARNED that should he file a further merits-related, conclusory, frivolous, or repetitive complaint, his right to file complaints may be suspended and, unless he is able to show cause why he should not be barred from filing future complaints, the suspension will continue indefinitely. *See* Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.



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Priscilla R. Owen  
Chief United States Circuit Judge

February 2, 2022