

**FILED**

June 9, 2022

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-22-90072

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## MEMORANDUM

Complainant, a pro se litigant, alleges misconduct by the subject United States District Judge in a 42 U.S.C. § 1983 proceeding.

Complainant appears to complain that the judge improperly entered an order regarding his “Notice of Appeal” from the magistrate judge’s denials of his application to proceed in forma pauperis and motion for reconsideration, i.e., the notice should have been transmitted to the United States Court of Appeals for the Fifth Circuit. He further alleges that in affirming the magistrate judge’s rulings, the judge failed to comply with the law, failed to afford complainant due process, and was “more concerned about protecting [his] peers,” i.e., the defendant-state judges, state court personnel, and a federal law enforcement agency, and was “less concerned about maintain[ing] the tenets of [his] oath of office.”

To the extent that the 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 assertion of bias in favor of the defendants 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.

/s/ Priscilla Richman  
Priscilla Richman  
Chief United States Circuit Judge

June 7, 2022