

FILED

June 9, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-22-90077 through 05-22-90079

MEMORANDUM

Complainant, a pro se litigant, alleges that the three subject United States Circuit Judges: erroneously and improperly dismissed his appeal because they “would rather get in bed with Racketeers than see me compensated for the wrongs that the defendants have done to [me]”; accepted bribes from a retired United States Magistrate Judge “to let her author the opinion”;¹ and, unfairly imposed a \$100 sanction.

Complainant further asserts that the judges “never even reviewed the court records or they would have known that I had already been granted in forma pauperis [status on appeal]” in another jurisdiction.² The allegation is construed as being aimed at the judges’ denial of complainant’s motion to proceed IFP on appeal in the Fifth Circuit.

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). To the extent that complainant alleges that the judges

¹ A review of the underlying district court docket indicates that the magistrate judge did not participate in the district court proceeding. Complainant filed his Notice of Appeal in that proceeding more than six months after the magistrate judge retired from the bench.

² Complainant initially filed the underlying civil action in a district court in another Circuit. A district judge ordered that the matter be transferred to a district court in the Fifth Circuit. Complainant filed an appeal from the order transferring the case, and a district judge granted his application to proceed in forma pauperis on appeal in that Circuit.

accepted bribes and permitted a retired magistrate judge to author their opinion, the patently frivolous allegations are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii). In other respects, any assertion of bias in favor of the appellees 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.

Complainant has been warned previously that the filing of patently frivolous allegations constitutes an abuse of the complaint process. Complainant’s right to file complaints is hereby SUSPENDED pursuant to Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Complainant may show cause, through a petition for review submitted pursuant to Rule 18, why his right to file further complaints should not be so limited.

An order dismissing the complaint is entered simultaneously herewith.

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

June 8, 2022

FILED

July 29, 2022

Lyle W. Cayce
Clerk

Before the Judicial Council of the Fifth Circuit

Complaint Numbers: 05-22-90077 through 05-22-90079

Petition for Review by [REDACTED]
of the Final Order Filed June 9, 2022,
dismissing the Judicial Misconduct Complaint against
[REDACTED]
[REDACTED]
Under the Judicial Improvements Act of 2002.

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 Richman, filed June 9, 2022, dismissing the Complaint of [REDACTED] against [REDACTED]
[REDACTED]
[REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED IN ALL RESPECTS.**

July 26, 2022
Date

/s/ Carl E. Stewart
Carl E. Stewart
United States Circuit Judge
For the Judicial Council of the Fifth Circuit