

FILED

March 15, 2023

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-22-90110 through 05-22-90113

MEMORANDUM

Complainant, a state prisoner, has filed a complaint alleging misconduct by United States District Judge A and United States District Judge B in Case 1, by the subject United States Magistrate Judge in Case 2, and by United States District Judge C in Case 3.

Complainant alleges that Judge A, “under the pressure of her boss [Judge B],” transferred Case 1 to another division of the district court. He further complains that in Case 2, which was opened upon transfer, the magistrate judge recommended that the district court should dismiss complainant’s 28 U.S.C. § 2254 petition “[as] time barred ... he didn’t accept my exceptional circumstances.”

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, the assertion that Judge B somehow influenced Judge A’s decision 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.”

Complainant complains that he is being denied due process because Judge C has taken no action on his draft orders to show cause why the court should not enjoin and restrain the defendants, failed to order service of summonses on defendants and witnesses, denied his Motion to Involve Free

World Authorities, and denied his motions for appointment of counsel and for a hearing. Complainant further protests that despite having (purportedly) “reviewed” prison security camera footage and a local television news report which prove complainant’s claim that the defendants are committing “atrocities” against him, Judge C is “accepting and allowing to continue the State [sic] with their criminal intents and acts.”

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 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.

/s/ Priscilla Richman

Priscilla Richman

Chief United States Circuit Judge

March 13, 2023