

Judicial Council for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 15, 2023

Lyle W. Cayce
Clerk

Complaint Number: 05-22-90119

MEMORANDUM

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

Complainant complains that the judge erroneously denied him permission to file his meritorious 42 U.S.C. § 1983 claims and improperly imposed a \$200 sanction. Complainant further asserts that the adverse ruling was “in retaliation for my continued fight to expose” the involvement of the judge and his judicial colleagues in covering up a Republican Party and [State government] conspiracy to “hav[e] me intentionally wrongfully imprisoned to silence my freedom of speech blowing the whistle on them all.”

To the extent that the complaint relates directly to the merits of a decision or procedural ruling, it is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertions of retaliation 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.”

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 15, 2023