United States Court of Appeals
Fifth Circuit
FILED
March 29, 2023
Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-23-90002 and 05-23-90003

M E M O R A N D U M

Without distinguishing between the three underlying civil cases and without referring to any specific decisions or procedural rulings, complainant, a pro se litigant, alleges that the subject United States District Judge and the subject United States Magistrate Judge:

— did not permit him to provide evidence in support of his motions for default judgment;

— improperly denied his motions for default judgment;

— "fail[ed] to assess" that the Defendants had filed fraudulent medical documents "to deceive" the Social Security Administration and the district court;

— failed to find that the Defendants did not provide full discovery of complainant's medical file; and,

— ignored or overlooked the medical opinions of physicians whose assessments supported his application for disability benefits, and thereby "assist[ed] the Defendants further their scheme to deny [me] disability benefits."

Complainant concludes that the judge and the magistrate judge "intentionally overlook[ed] the overwhelming evidence" in support of his application because "[I am] a pro se litigant, thats [sic] poor and filed

indigent" and because of "[my] background and the color of [my] skin and disability."

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 bias and prejudice 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

Before the Judicial Council of the Fifth Circuit

Complaint Numbers: 05-23-90002 and 05-23-90003

Petition for Review by [redacted] regarding
Complaint of Misconduct and/or Disability Against
[redacted]
Under the Judicial Improvements Act of 2002, 28 U.S.C. §§ 351-364.

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 R. Owen, filed March 29, 2023, dismissing the Complaint of [redacted] against [redacted] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED.**

July 19, 2023
Date

Jennifer W. Elrod
United States Circuit Judge
For the Judicial Council of the Fifth Circuit