

FILED

March 29, 2023

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-23-90010 and 05-23-90011

MEMORANDUM

Complainant, a pro se litigant, alleges that the subject United States District Judge and United States Magistrate Judge “aggressively defended the actual defendants” in his civil rights action.

To the extent the allegation relates directly to the merits of decisions or procedural rulings, it is 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 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 further complains that he did not receive notice that an order dismissing his claims was entered on March 31, 2022.

It is the responsibility of the district court clerk’s office, not individual judicial officers, to notify litigants when orders are entered by the court. To the extent, if any, that complainant is implying that the judge instructed clerk’s office personnel not to notify complainant that an order dismissing his claims had been entered, the assertion is 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 25, 2023