

FILED

August 23, 2023

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-23-90031 through 05-23-90033

MEMORANDUM

Complainant, a federal prisoner, has filed a complaint alleging misconduct by the two subject United States District Judges (“Judge A” and “Judge B”) and the subject United States Magistrate Judge (“Judge C”).

Complainant complains that by “refus[ing] to give order [sic] acknowledging my Jewish religious name change,” the subject judges demonstrated “anti-Semitic/Jewish discrimination” and “disrespect” for the state and federal courts which issued documents acknowledging (complainant’s use of) that name. Complainant further asserts that Judge B “failed to follow protocol and provide therapy after discovering about my sexual assault in prison,” and erroneously and improperly approved Judge C’s erroneous and improper order instructing the clerk to “manually (secretly) . . . instead of electronically” notify prison officials to “illegally [take] \$133.00 off [sic] of my account.”

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 religious discrimination 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.”

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.

This is complainant's third merits-related and conclusory complaint. Complainant is WARNED that should he file a further merits-related, conclusory, frivolous, or repetitive complaint, his right to file complaints may be suspended and, unless he is able to show cause why he should not be barred from filing future complaints, the suspension will continue indefinitely. *See* Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.



Priscilla Richman

Chief United States Circuit Judge

August 16, 2023