

FILED

September 15, 2023

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-23-90045

MEMORANDUM

Complainant, a pro se bankruptcy claimant, has filed a complaint alleging misconduct by the subject United States Bankruptcy Judge in a Chapter 11 proceeding.

Complainant complains that the judge “should [have] denied dischargeability long ago.” This allegation appears to relate directly to the merits of the judge’s denial of complainant’s motion challenging dischargeability of his claim and/or the judge’s order approving an Agreed Motion for Order to Approve Compromise and Settlement.

Without referring to any relevant decisions or proceedings,¹ complainant further alleges that the judge: “illegally, discriminatorily, and obviously in a conspiratorial manner . . . aided in the committing of [a] false bankruptcy filing”; “allowed and persistently sought to permit illegal activity

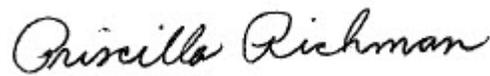
¹ Following standard procedure in acknowledging receipt of the complaint, complainant was advised that the Clerk would conduct a preliminary review for clarity of the allegations and, if the Clerk determined that clarification was needed, complainant would be asked to file a supplemental statement of facts. In an email to court personnel, complainant expressly declined to provide clarification of his claims: “If this complaint does not meet the standard of sufficiently establishing the claims/issues that are and were unethical, please just make a quick decision and close the case and complaint as quickly as possible so I may not have [to] waste more time and more time [sic] to get some kind of decision in my hand for my anticipated [civil rights lawsuit].”

in her court”; presided over a “sham legal process, abuse of process, and malicious prosecution”; “systematically forced, coerced, and extorted [me] into submitting to this bankruptcy court’s ‘lack of jurisdiction’”; and, demonstrated “deliberate indifference and wanton disregard for court decorum.”

To the extent that these allegations relate 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 assertions of discrimination, conspiracy, bias, coercion, and “wanton disregard for court decorum” 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.



Priscilla Richman

Chief United States Circuit Judge

August 15, 2023