

FILED

January 3, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-23-90086

MEMORANDUM

Complainant, a state prisoner, alleges that the subject United States District Judge has delayed entering a ruling “granting relief or release . . . for almost a year” in a pending 28 U.S.C. § 2254 proceeding due to an “improper motive.”

A review of the district court record indicates that, at the time complainant signed the instant complaint, his § 2254 petition had been ripe for consideration for four months, not for “almost a year.”

Regardless, a delay in judicial action does not, of itself, constitute judicial misconduct, and there is no evidence to suggest that the delay in the § 2254 proceeding is due to a lack of diligence or improper motive. The complaint is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii). *See* Rule 4(b)(2) of the Rules For Judicial-Conduct and Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.



Priscilla Richman

Chief United States Circuit Judge

December 26, 2023