

FILED

January 9, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-23-90099

MEMORANDUM

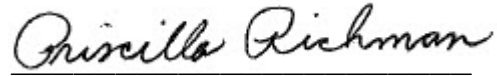
Complainant, a state prisoner, complains that despite “attempting to bring the crim[inal] and unethical behavior” of his court-appointed counsel to the district court’s attention, the subject United States District Judge overruled as “frivolous” complainant’s objection that the magistrate judge did not investigate those “outlandish” and “scurrilous” claims before entering a pretrial order terminating the appointment of counsel. Complainant protests that “[t]his is out[ra]g[eou]s and very unethical behavior not handling [sic] the report of a s[e]rious crime to the proper department within[] the judge’s judicial power,” and he asserts that the judge “acted to further compromise any investigations.”

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 improper motive appears entirely derivative of the merits-related charges, but to the extent the allegation is separate, it is wholly unsupported, and is 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.

This is complainant's fourth complaint to be dismissed under 28 U.S.C. § 352(b)(1)(A)(ii) and (iii), and he has been warned previously against filing further merits-related, conclusory, frivolous, or repetitive complaints. Complainant's right to file complaints is hereby SUSPENDED pursuant to Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Complainant may show cause, through a petition for review submitted pursuant to Rule 18, why his right to file further complaints should not be so limited.

An order dismissing the complaint is entered simultaneously herewith.



Priscilla Richman
Chief United States Circuit Judge

December 29, 2023