

FILED

January 9, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-23-90100 and 05-23-90101

MEMORANDUM

Complainant, a pro se litigant, complains that the subject United States District Judge and United States Magistrate Judge have unduly delayed completing judicial screening under 28 U.S.C. § 1915(e)(2) in his pending civil rights proceeding. Complainant contends that the delay constitutes “discrimination against me for being poor and unrepresented.”

Delays in rendering decisions do not, of themselves, constitute judicial misconduct. There is no evidence to suggest that the delay in judicial screening is due to either lack of diligence or intentional discrimination against an indigent pro se litigant, and 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 29, 2023

**Before the Judicial Council
of the Fifth Circuit**

United States Court of Appeals
Fifth Circuit

FILED

February 16, 2024

Lyle W. Cayce
Clerk

Complaint Numbers: 05-23-90100 and 05-23-90101

Petition for Review by [REDACTED]
Regarding Complaint of Misconduct and/or Disability Against

[REDACTED]
[REDACTED]
Under the Judicial Improvements Act of 2002, 28 U.S.C. §§ 351-364.

ORDER

An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Chief Judge Priscilla Richman, filed January 9, 2024, dismissing the Complaint of [REDACTED] against [REDACTED] and [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

February 12, 2024
Date _____
Jennifer W. Elrod
Jennifer W. Elrod
United States Circuit Judge
For the Judicial Council of the Fifth Circuit

¹ Judge Ramirez is now a United States Circuit Judge.