

FILED

January 9, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-23-90103

MEMORANDUM

Complainant, a federal prisoner, has filed a complaint alleging misconduct by the subject United States District Judge in post-conviction proceedings. Complainant also proposes that the judge might be suffering from a disability.

Complainant alleges that the judge “has repeatedly told and recorded blatant lies . . . throughout the entire process of judicial hearing. . . . He has perjured documents . . . [and] misrepresented facts. . . . Then after making these false statements the orders and records then reflect these lies.” In support of this claim, complainant points generally to the judge’s order entered in May 2023 denying his Motion For Compassionate Release under 18 U.S.C. § 3582(c)(1)(A). Complainant contends that the adverse decision “is a clear and obvious case of this judge abusing his discretion,” and demonstrates either “a hateful bias that this judge holds against me” or “somehow [the judge] has developed some condition that no longer makes him capable of doing his judicial duties.”

To the extent that these allegations relate directly to the merits of a decision or procedural ruling, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertions of personal animus, bias, or disability 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” or that the judge is suffering from a disability.

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

December 29, 2023