

**FILED**

January 9, 2024

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Numbers: 05-23-90109 through 05-23-90113

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## MEMORANDUM

Complainant, a pro se litigant, complains that the subject United States Magistrate Judge afforded him “one minute or less . . . to explain a complicated conspiracy case” during an initial conference. Complainant further alleges that the magistrate judge’s proposal that the parties might be able to resolve their issues informally to save time and money, and his remark that “common sense” suggested the State legislature could give the defendant-State Department of Health and Family Services the power to do its job (i.e., to issue orders regarding child support payments and arrears), constituted evidence of “bias” and “legal representation on behalf of the defendants.”

Complainant also complains that in recommending that the court should deny complainant leave to file an amended complaint, the magistrate judge “referenced a nonexistent opportunity to amend without any reference to court records.” In addition, he asserts that the magistrate judge’s recommendation that the court should grant the defendants’ motions to dismiss “included misdirection and no legal reason why,” failed to “accept[] all factual allegations in [my] complaint as true and take them in the light most favorable to [me],” and was “in contradiction [sic] and violation to process, the law, the duty of the court and court rules.”

Complainant complains that the subject United States District Judge “[p]rovided no hearing, or response[s] to all of my objections and responses,” demonstrated a lack of “integrity and impartiality” by “fail[ing] to properly supervise” the magistrate judge and by adopting his “incompetent, unlawful,

and impartial [sic] recommendation[s],” and dismissed the case without addressing “no appearance filed by one defendant.”

Complainant complains that the three subject United States Circuit Judges erroneously affirmed the district court’s finding that it lacked personal jurisdiction over the State defendants. He further contends that the circuit judges’ “unpublished ruling is egregious because [they] ignored court rules and perpetuated the same untruth as the lower court by referencing a court action and record that does not exist. I was never given the opportunity to amend my claims ... [and] my legal request for oral argument was not denied but ignored.”

Complainant concludes that the subject judges’ “incompetencies [sic] result[ed] in judicial weakness, unfortunate mistakes, corruption, and conspiracy to deprive rights. They showed no respect for the law and rules of the court. I was denied [the] right to be heard according to law[.]”

To the extent that the 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 assertions of bias, incompetence, corruption, and conspiracy 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

December 29, 2023

**FILED**

February 28, 2024

Lyle W. Cayce  
Clerk

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

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Complaint Numbers: 05-23-90109 through 05-23-90113

Petition for Review by [REDACTED]

Regarding Complaint of Misconduct and/or Disability Against

[REDACTED]

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

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**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]

[REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

02-23-2024  
Date

Jennifer W. Elrod  
Jennifer W. Elrod  
United States Circuit Judge  
For the Judicial Council of the Fifth Circuit