

FILED

January 9, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-23-90126

MEMORANDUM

Complainant, a pro se litigant, alleges that the subject United States District Judge erroneously granted the defendants' motion for summary judgment in a 42 U.S.C. § 1983 proceeding. He further asserts that the judge demonstrated bias and violated his rights to due process and equal protection of the law by "always treat[ing] me as a [criminal] defendant [and] . . . telling me that the cop grabbed the back of my neck when medical records and video show differently." Complainant concludes that "only a[n] incompet[e]nt person would state that [I] have no recourse of law when I didn't break the law to begin with."

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 assertions of bias and incompetence 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