

**FILED**

January 9, 2024

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Numbers: 05-23-90127 and 05-23-90128

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## MEMORANDUM

Complainant, a state prisoner, has filed a barely intelligible complaint alleging misconduct by the subject United States Magistrate Judge in a 28 U.S.C. § 2254 proceeding, and by the subject United States District Judge in a 42 U.S.C. § 1983 proceeding.

Complainant complains that the magistrate judge “denied all my [28 U.S.C. §] 2254 when I myself pointed out all the new evidence.”

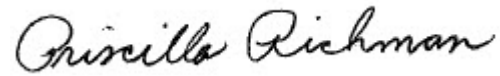
The allegation relates directly to the merits of a decision or procedural ruling and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

Without providing any evidence in support of the assertion, complainant alleges that other inmates have given him “reasons to believe . . . that [the district judge] is on the [S]tate’s side.”

To the extent that the allegation relates directly to the merits of a decision or procedural ruling in the pending 42 U.S.C. § 1983 proceeding, it is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertion of bias appears entirely derivative of the merits-related charge, 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.

An order dismissing the complaint is entered simultaneously herewith.



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Priscilla Richman

Chief United States Circuit Judge

December 29, 2023