

FILED

January 9, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-24-90013

MEMORANDUM

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

Complainant appears to complain that in dismissing his 42 U.S.C. § 1983 claims with prejudice as frivolous, the judge “ignor[ed] my filings, my notifications of proof the exhibits are in fact probable criminal evidence, proving serious violations,” and “ignored all my request[s] for legal resolution by not ordering any of my court-appointed attorneys . . . to follow laws.” He appears to further allege that the judge intentionally ignored the evidence to protect the defendants. Complainant also submits that the judge “shouldn’t be on this dismissed with prejudice civil case” because he was the subject of complainant’s two prior misconduct complaints.

To the extent that these allegations relate directly to the merits of decisions or procedural rulings, including any implicit decision not to recuse sua sponte, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertion of improper motive appears entirely derivative of the merits-related charge, but to the extent the allegation is separate, it is wholly unsupported and is 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.

This is complainant's third merits-related and conclusory complaint against the subject judge in less than five months. Complainant is WARNED that should he file a further merits-related, conclusory, frivolous, or repetitive complaint, his right to file complaints may be suspended and, unless he is able to show cause why he should not be barred from filing future complaints, the suspension will continue indefinitely. *See* Rule 10(a), 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