

**FILED**

January 9, 2024

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-24-90022

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## MEMORANDUM

Complainant, a state prisoner, alleges that the subject United States District Judge has unduly delayed entering a ruling in a pending 28 U.S.C. § 2254 proceeding for sixteen months.

A review of the district court record indicates that, at the time complainant signed the instant complaint, his § 2254 petition had been ripe for consideration for eleven months.

Regardless, a delay in judicial action does not, of itself, constitute judicial misconduct, and there is no evidence to suggest that the delay in the § 2254 proceeding is due to a lack of diligence or improper motive. The complaint is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii). *See* Rule 4(b)(2) of the Rules For Judicial-Conduct and Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.



Priscilla Richman

Chief United States Circuit Judge

January 8, 2024