

FILED

February 16, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-24-90036

MEMORANDUM

Complainant, a federal prisoner, has filed a complaint alleging misconduct by the subject United States District Judge in two revocation proceedings and in a 28 U.S.C. § 2255 matter.

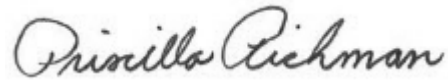
Complainant complains that the judge “act[ed] outside the performance of his official duties and without legal judicial authority or jurisdiction” in the revocation proceedings, entering improper and/or erroneous decisions. He further submits that the judge has no “legal capacity over [my] 2255 Motion to Vacate, having no legal jurisdiction of Due Process and is complete [sic] bias and prejudicial deprivation of [my] protected Civil Liberties and Constitution [sic] Rights.” Complainant concludes that the judge has “committed a gross Miscarriage of Justice against the performance of his duties and the court, plus [my] restrained freedoms.”

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 and prejudice 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.

This is complainant's third merits-related and/or conclusory judicial misconduct complaint. 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

February 14, 2024