

FILED

February 16, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-24-90037

MEMORANDUM

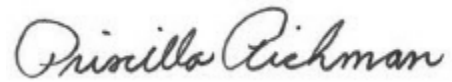
Complainant, a federal pretrial detainee, has filed a complaint alleging misconduct by the subject United States Magistrate Judge in two pending criminal matters.

Complainant contends that a United States Pretrial Officer “lack[ed] jurisdiction” to file a petition alleging that complainant had violated the conditions of his pretrial release, and therefore the judge’s decisions to issue an arrest warrant, convene a probable cause hearing, and revoke complainant’s pretrial release were erroneous. Noting that the judge made similar decisions in “at least” one other criminal matter “involving blacks,” complainant further submits that the judge’s decisions constitute evidence of a “conspiracy to violate the [defendants’] civil right[s] base[d] on race.”

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 conspiracy and racial animus appears 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.

A handwritten signature in cursive script that reads "Priscilla Richman".

Priscilla Richman

Chief United States Circuit Judge

February 14, 2024

FILED

March 12, 2024

Lyle W. Cayce
Clerk

**Before the Judicial Council
of the Fifth Circuit**

Complaint Number: 05-24-90037

Petition for Review by [REDACTED]

Regarding Complaint of Misconduct and/or Disability Against
[REDACTED]

Under the Judicial Improvements Act of 2002, 28 U.S.C. §§ 351-364.

ORDER

An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Chief Judge Priscilla Richman, filed February 16, 2024, dismissing the Complaint of [REDACTED] against [REDACTED]

[REDACTED], under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

Date

March 10, 2024

Jennifer W. Elrod

United States Circuit Judge

For the Judicial Council of the Fifth Circuit