

# Judicial Council for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

March 19, 2024

Lyle W. Cayce  
Clerk

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Complaint Numbers: 05-24-90039 and 05-24-90040

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## MEMORANDUM

Complainant, a pro se litigant, has filed a complaint alleging misconduct by the subject United States District Judge and the subject United States Magistrate Judge in a 42 U.S.C. § 1983 proceeding.

Complainant alleges that the judge and the magistrate judge conspired to: “not even legally list the Defendants of the case”; ignore the evidence and omit “relevant and material facts”; “violate the U.S. Constitution and federal laws”; and, make “false statements meant to cause harm in a federal lawsuit” and “commit the offense of defamation of character against [me], calling the name “delusional,” whereby [I] clearly [am] not.”

To the extent that the complaint relates directly to the merits of decisions or procedural rulings, it is 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 charges, 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

March 19, 2024