

FILED

March 19, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-24-90041 through 05-24-90045

MEMORANDUM

Complainant, a state prisoner, has filed a complaint against the four subject United States District Judges and the subject United States Magistrate Judge. The underlying cases are a prisoner class action lawsuit (in which complainant does not appear to be a party) and three cases filed by complainant, i.e., a 42 U.S.C. § 1983 proceeding, a 28 U.S.C. § 2254 proceeding, and a mandamus proceeding.

Without distinguishing between the cases, complainant alleges that:

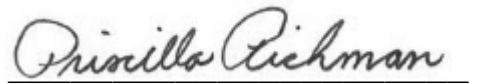
- The subject judges “agreed to committ [sic] unlawful acts for unlawful purposes sponsored, promoted, and facilitated in commission of an attempted rape (resulting in serious bodily injury to me) and attempts and threats on my life by [prison officials].”
- The subject judges’ “illegal activit[ies] [were] carried out in furtherance of a criminal enterprise controlled by political subdivision (Republican Party via [the State Governor].”
- District Judge B “ordered my funds to be unlawfully seized by [prison officials].”
- “I’ve been sent documents from [District Judges A and B and the magistrate judge] with specific intent to deceive me [sic] obstructing justice [sic] two acts of Racketeer Influenced & Corrupt Organizations Act.”

- The subject judges’ “in cahoots acts ... are of persons who a benefit (as money) was given, promised, and offered to influence their conduct,” e.g., Judge A was “given, promised, or offered [a benefit] to influence his judgment &/or conduct not to have [the state prison director] arrested.”
- “[They] are unable to discharge all duties office by reason of mental & or physical disability [sic], in total honesty, fairness, and lawfulness of purpose absent of any intent to defraud, act maliciously, or take unfair advantage as [the subject judges] have/is [sic] done/doing towards me on account of my race, creed, national/geographic origin, etc.”

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 assertions of conspiracy, political motive, discrimination, bribery, and disability 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” or that the subject judges are unable to discharge the duties of office due to mental and/or physical disability.

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.


Priscilla Richman
Chief United States Circuit Judge

March 14, 2024

FILED

May 3, 2024

Lyle W. Cayce
Clerk

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

Complaint Numbers: 05-24-90041 through 05-24-90045

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 March 19, 2024, dismissing the Complaint of [REDACTED]

[REDACTED]

under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

April 23, 2024
Date

Jennifer W. Elrod
Jennifer W. Elrod
United States Circuit Judge
For the Judicial Council of the Fifth Circuit