

Judicial Council for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 16, 2024

Lyle W. Cayce
Clerk

Complaint Numbers: 05-24-90055 and 05-24-90056

MEMORANDUM

Complainant, a state prisoner, has filed a complaint alleging misconduct by the subject United States District Judge and the subject United States Magistrate Judge in complainant's 28 U.S.C. § 2254 proceeding.

Repeating allegations made in two prior complaints, complainant asserts:

- The judge and the magistrate judge “deprived me of numerous filed motion[s] not heard by neither [sic] judge to prove new evidence and request of [sic] for assistance that will clear me as charged/guilty.”
- The judge and the magistrate judge “know” that “I am in prison for a crime I did not commit” and they “knowing[ly] & intentionally and deliberately cover[ed] up the state’s prosecutorial misconduct.”
- The judge “threatened me with monetary sanctions if I bother him further with frivolous unimportant motions in the people’s court, referencing [sic] it to His Court as a Baron or Monarch.”
- The judge and the magistrate judge committed “gross injustice towards [my] case and sovereign given rights by the U.S. Constitution” by engaging in “absolute corruption . . . dishonest[y], deceit, fraud, deprivation, misrepresentation, [and] withholding information as a felony-act[.]”

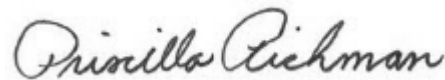
Complainant further alleges that the judge and the magistrate judge are each suffering from an unspecified disability.

To the extent that these 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 improper motive or 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 judges are suffering from a 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.

The filing of repetitive allegations is an abuse of the complaint procedure. 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

April 12, 2024

FILED

July 1, 2024

Lyle W. Cayce
Clerk

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

Complaint Numbers: 05-24-90055 and 05-24-90056

Petition for Review by [REDACTED]
Regarding Complaint of Misconduct and/or Disability Against
[REDACTED] and
[REDACTED]
[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 April 16, 2024, dismissing the Complaint of [REDACTED] against United States [REDACTED] and United States [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

June 26, 2024
Date

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