

Judicial Council for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 19, 2024

Lyle W. Cayce
Clerk

Complaint Number: 05-24-90061

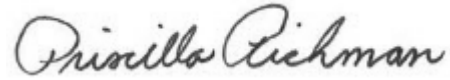
MEMORANDUM

Complainant, a pro se litigant, alleges that in an “absurd” and “convoluted abstraction of the law and rules,” the subject United States Magistrate Judge found that he had not properly served the defendant and erroneously denied his motions for default judgment. He further asserts that the magistrate judge’s recommendations that the court should deny his motions for rehearing and his Rule 59(e) motion for reconsideration were similarly “absurd” and erroneous. Complainant contends that these rulings and recommendations “totally demonstrate” that the magistrate judge “did not know the law or totally ignore[d] the law,” was biased in favor of the defendant, and was either protecting defense counsel from being subject to disciplinary action for “engaging in deceptive practices” or concealing the magistrate judge’s own ignorance or improper conduct.

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 incompetence, bias, or impropriety 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.

An order dismissing the complaint is entered simultaneously herewith.



Priscilla Richman
Chief United States Circuit Judge

April 17, 2024

FILED

June 24, 2024

Lyle W. Cayce
Clerk

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

Complaint Number: 05-24-90061

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 April 19, 2024, dismissing the Complaint of [REDACTED] against [REDACTED] [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

June 21, 2024
Date

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