

FILED

May 24, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-24-90069 through 05-24-90073

MEMORANDUM

Complainant, a pro se litigant, has filed a barely intelligible complaint alleging misconduct by the two subject United States District Judges and the three subject United States Magistrate Judges.¹

In Case 1, a district judge (who is not named as a subject of the instant complaint) adopted Magistrate Judge X’s recommendation to dismiss complainant’s 28 U.S.C. § 2255 motion seeking to be released from a state psychiatric institution. Complainant’s sole allegation is that Magistrate Judge X “might be [worse].”

In Case 2, District Judge A adopted Magistrate Judge Y’s recommendation to dismiss complainant’s 42 U.S.C. § 1983 action, with prejudice, as frivolous and for failure to state a claim upon which relief may be granted (and to decline to exercise supplemental jurisdiction over any potential state law claims). Complainant complains that District Judge A and Magistrate Judge Y “were over my [case]” and he paid the filing fee.

In Case 3, Magistrate Judge Z ordered complainant to pay the district court filing fee by June 22, 2022, and warned that failure to comply with the court’s order may result in dismissal of the case without further notice.

¹ The Clerk afforded complainant several opportunities to clarify his claims, in response to which complainant submitted similarly incoherent supplemental statements.

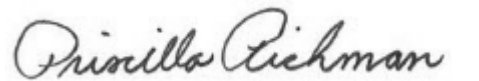
Complainant did not pay the filing fee. On July 1, 2022, District Judge B dismissed the case without prejudice and denied as moot complainant's motion to appoint counsel. Complainant complains that "I want to pay [the filing fee]," "I need a counsel appointed," and "[I] did not get discharge[d] [from the state psychiatric institution] ... I could have been at home with my family [sic] Huh? Not in Prison!? . . . I don't want to stay here."

These allegations appear to relate directly to the merits of the subject judges' decisions and procedural rulings and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

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.

This is Complainant's fourth judicial misconduct complaint, and he has been warned previously against filing a further merits-related, conclusory, frivolous, or repetitive complaint. Complainant's right to file complaints is hereby SUSPENDED pursuant to Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Complainant may show cause, through a petition for review submitted pursuant to Rule 18, why his right to file further complaints should not be so limited.

An order dismissing the complaint is entered simultaneously herewith.


Priscilla Richman
Chief United States Circuit Judge

May 22, 2024