

FILED

July 25, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-24-90098

MEMORANDUM

Complainant, a state prisoner, has filed a barely intelligible complaint alleging misconduct by the subject United States Magistrate Judge in a pending 42 U.S.C. § 1983 proceeding.

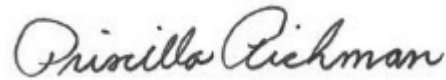
Complainant alleges that despite being aware that his allegations against the Defendants “are substantiated, proven,” the magistrate judge stated in her Findings, Conclusions, and Recommendation that “I am frivolous and delusional [sic]” and “my *Bivens* Action [should be] dismissed as frivolous.” He submits that these adverse findings constitute “proof” that the magistrate judge “is using her power of office to enable, protect Defendants.”

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 assertion of improper motive appears entirely derivative of the merits-related charge, but to the extent the allegation is separate, it is wholly unsupported and is 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.

This is Complainant's fourth merits-related and conclusory 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
Priscilla Richman
Chief United States Circuit Judge

July 24, 2024