

# Judicial Council for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

July 25, 2024

Lyle W. Cayce  
Clerk

---

Complaint Number: 05-24-90101

---

## MEMORANDUM

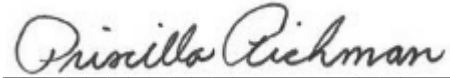
Complainant, a state prisoner, alleges that the subject United States District Judge has unduly delayed entering a ruling in a pending 28 U.S.C. § 2254 proceeding. This is Complainant's fourth complaint alleging undue delay in the same matter.

Complainant now complains that his § 2254 petition has been “[r]ipe for consideration 8 months now [and the judge] has deliberately delayed me any relief and that’s a disability on his part and I can prove it he’s an elder[l]y judge for one he shouldn’t be in office he’s prejudice[d] against me.”

To the extent that Complainant asserts that the judge’s failure to rule on the pending § 2254 petition constitutes proof of “deliberate delay” and prejudice against him, or proof of age-related disability, the assertions are entirely conclusory and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii). In other respects, given that the judge has been made aware of the pendency of the § 2254 petition via Complainant’s three prior complaints, this latest complaint is construed, in part, as challenging the correctness of the judge’s implied decision not to prioritize Complainant’s

case over others on his docket, and this aspect of the complaint is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).<sup>1</sup>

An order dismissing the complaint is entered simultaneously herewith.



Priscilla Richman  
Chief United States Circuit Judge

July 24, 2024

---

<sup>1</sup> See Guide to Judiciary Policy, Vol 2E, Ch. 3, Commentary on Rule 4 of the Rules For Judicial-Conduct and Judicial-Disability Proceedings.