

FILED

June 12, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-24-90076

MEMORANDUM

Complainant, a civil litigant, alleges misconduct by the subject United States District Judge in a Limitation of Liability Act case in which complainant sought damages for personal injuries.

Complainant complains that in the Findings of Fact & Conclusions of Law dismissing his claims with prejudice, the judge erroneously and improperly: misrepresented facts in favor of the Defendants; failed to address facts favorable to complainant; found the Defendants' medical expert to be a credible witness and unquestioningly accepted his explanations over those offered by complainant's medical experts; "disregarded" that the Defendants' medical expert "was HIRED . . . for a FEE"; and "discredit[ed] [my] injuries." Complainant alleges that by "manipulating, tampering, and falsifying statement[s] and facts of the case," the judge "made a conscious decision to DEFRAUD the court system and to DEFAME [my] character and integrity."


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). To the extent that complainant repeats allegations made in a prior complaint, e.g., the judge misrepresented facts, favored the Defendants' medical expert's opinions, and defamed complainant's character, those allegations are subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii). In other respects, any assertion of improper

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

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

June 11, 2024