

FILED

January 30, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-25-90016 through 05-25-90021

MEMORANDUM

Complainant, a federal prisoner, has filed a complaint alleging misconduct by the six subject United States Circuit Judges in his direct criminal appeal.¹ Pursuant to Rule 25(f) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, consideration of this matter has been assigned to me.

Complainant alleges that the judges “wilfull[y] ... failed to perform their duties by failing to insure [sic] that the district court as well as the appellate court has jurisdiction, as required by law, the Supreme Court, and the 5th Circuit Court of Appeals. Assuming jurisdiction where none exists is not only an unconstitutional usurpation of power, but is a failure of their duties, as well as depriving me of lawful and Constitutional rights, thus encroaching on several criminal statutes.”

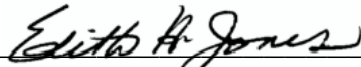
To the extent that these allegations relate directly to the merits of decisions and procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertion of improper motive appears entirely derivative of the merits-related charges, but to the extent the allegation is separate, it is wholly unsupported, and is subject to

¹ Three of the subject judges served on the merits panel and the other three served on the motions panel.

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.



Edith H. Jones
United States Circuit Judge

January 29, 2025

