

JAN 07 2020

FIFTH CIRCUIT
LYLE W. CAYNE, CLERK

JUDICIAL COUNCIL
FOR THE FIFTH CIRCUIT

Complaint Number: 05-20-90021

MEMORANDUM

Complainant, a federal detainee, alleges that the subject United States Magistrate Judge, who conducted initial proceedings in the pending criminal matter, “acted totally unconstitutionally when she ordered me to be detained . . . for a bogus charge,” and signed a “malicious search warrant” which resulted in a superseding indictment with “the additional charge of being a felon while living with guns in the house.”

Complainant further submits that in ordering his detention and signing the search warrant, the magistrate judge was “mimicking” her 2015 conduct in sending U.S. Marshals “to arrest me for violating my probation . . . because she said my letter I wrote her was offensive, threatening. The sole purpose of her violating me was to hinder my” lawsuit against a state agency. He also alleges that in his 2015 employment discrimination lawsuit, the magistrate judge “waited until I was arrested” before “maliciously” issuing a show cause order complainant could not respond to timely, and thereby enabling her to recommend that his lawsuit be dismissed.


To the extent that the allegations relate directly to the merits of the magistrate judge’s decisions in the underlying criminal proceeding, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). The allegation of prejudicial conduct in the criminal proceeding 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.” In other respects, complainant repeats allegations raised and dismissed in two prior judicial misconduct complaint proceedings, and those repetitive allegations are subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii).

This is complainant’s sixth merits-related, conclusory, frivolous, and/or repetitive judicial misconduct complaint, and his third such complaint against the subject magistrate judge, 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.

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.


Priscilla R. Owen
Chief United States Circuit Judge

January 3, 2020
2019

U. S. COURT OF APPEALS
FILED

FEB 28 2020

FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-20-90021

Petition for Review by [REDACTED]
of the Final Order Filed January 07, 2020,
Dismissing Judicial Misconduct Complaint

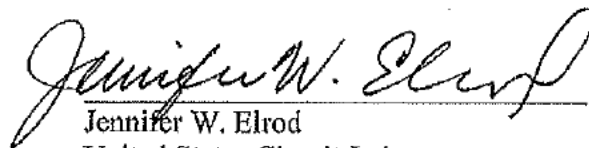
Against [REDACTED]
Under the Judicial Improvements Act of 2002.

ORDER

An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Chief Judge Priscilla R. Owen, filed January 07, 2020, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED IN ALL RESPECTS**.

2/27/2020
Date



Jennifer W. Elrod
United States Circuit Judge
For the Judicial Council of the Fifth Circuit