

FILED

April 13, 2021

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-21-90092

MEMORANDUM

Complainant, a medical doctor and principal of a debtor in bankruptcy, has filed a complaint alleging misconduct by the subject United States Bankruptcy Judge in the underlying bankruptcy and adversary proceedings.

Complainant claims that the judge improperly failed to admit certain exhibits into the record that allegedly would have shown his opponents' "fraud on the court." Without providing any evidence in support of the allegation, he further asserts that the judge is responsible for the "disappearance" of three documents on an exhibit list from a binder of exhibits complainant submitted to the court. Complainant concludes that the judge "aided and abetted" fraud on the court by "selectively exclud[ing] evidence" and "tampering with incriminating exhibits," and thereby "irreparably prejudiced the bankruptcy hearing" and "intentionally deprived [me] of due process."

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, the allegations of record tampering and intentional deprivation of due process are wholly unsupported and are 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.

An order dismissing the complaint is entered simultaneously herewith.



Priscilla R. Owen
Chief United States Circuit Judge

April 11, 2021