

Judicial Council for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 15, 2021

Complaint Number: 05-21-90109


Lyle W. Cayce
Clerk

MEMORANDUM

Complainant, a state prisoner, submits that his Rule 60 motion for relief from judgment showed, in “grave detail,” that his conviction was “improper and void as a matter of law.” He argues that because his case was so strong, the subject United States Circuit Judge’s denial of relief must have resulted from racial discrimination.

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 allegation of racial prejudice 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.

An order dismissing the complaint is entered simultaneously herewith. 



Priscilla R. Owen

Chief United States Circuit Judge

June 10, 2021