

FILED

January 24, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-22-90009

REVISED MEMORANDUM

The memorandum entered December 9, 2021 dismissing the above-referenced judicial misconduct complaint is vacated and is replaced by this revised memorandum.

Complainant, a federal prisoner, alleges that while writing a self-published book about legal corruption, he “was introduced” to Ms. X, a “former law clerk” of the subject United States District Judge. He asserts that Ms. X allegedly told him that the judge:

- sexually assaulted her in his office at the courthouse;
- “blackballed” her from other employment because she refused to submit to his continued advances;
- was prejudiced against complainant because complainant is gay; and,
- directed one of his current clerks to contact Ms. X and threaten and intimidate her after complainant’s book was published.

Complainant declined to identify Ms. X, claiming that she feared retaliation from the judge.

A limited inquiry conducted pursuant to 28 U.S.C. § 352(a)(2) failed to establish the former law clerk’s identity and failed to corroborate these

allegations. Specifically, an affidavit that complainant submitted as an exhibit to his complaint asserted that Ms. X had told him about alleged remarks the judge made to her in March 2013. All of the judge's law clerks from that time period were contacted. All denied being Ms. X, denied communicating with complainant, and denied any knowledge of any sexual assault by the judge.

This aspect of the complaint is therefore subject to dismissal under 28 U.S.C. § 352(a)(2) as incapable of being established through investigation.

Complainant further alleges that the judge: "sexually harassed numerous women while [he was a law school student]"; "sexually harassed and abused numerous women while he was employed at [a State agency]"; and, physically abused his wife.

Complainant does not claim personal knowledge of this misconduct and does not identify any individual who does.¹ These wholly unsupported allegations 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."

An order dismissing the complaint is entered simultaneously herewith.

Priscilla A. Owen

January 12, 2022

¹ The judge's wife is deceased.

FILED

March 11, 2022

Lyle W. Cayce
Clerk

Before the Judicial Council of the Fifth Circuit

Complaint Number: 05-22-90009

Petition for Review by [REDACTED]
of the Revised Order Filed January 24, 2022,
dismissing the Judicial Misconduct Complaint against
[REDACTED]
[REDACTED]
Under the Judicial Improvements Act of 2002.

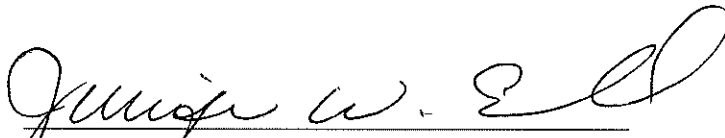
ORDER

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 revised order of Chief Judge Priscilla R. Owen, filed January 24, 2022, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

MARCH 11, 2022

Date



Jennifer W. Elrod

United States Circuit Judge

For the Judicial Council of the Fifth Circuit