

FILED

May 20, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-22-90012

MEMORANDUM

Complainant, a state prisoner, has filed a complaint against the subject United States District Judge presiding over complainant's pending pro se 42 U.S.C. § 1983 action.

Complainant, who claims that his religious faith compels him to refuse to comply with prison grooming regulations, complains that the judge failed to rule on his first motion for injunction, resulting in the defendant-prison officials forcibly cutting his hair. He submits that the judge's failure to rule on the motion might be due to religious discrimination and "call[s] into question [the judge's] mental ability to carry out corrective actions." Complainant does not allege any evidence of the judge's discriminatory intent or disability other than the failure to rule on his motion.

To the extent that these allegations relate directly to the merits of the judge's implied decision not to grant complainant's requested injunction, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegations of religious discrimination and mental disability appear entirely derivative of the merits-related charges, but to the extent the allegations are separate, they are wholly unsupported, and are 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.

/s/ Priscilla Richman

Priscilla Richman

Chief United States Circuit Judge

May 18, 2021

FILED

July 29, 2022

Lyle W. Cayce
Clerk

**Before the Judicial Council
of the Fifth Circuit**

Complaint Number: 05-22-90012

Petition for Review by [REDACTED]
of the Final Order Filed May 20, 2022,
dismissing the 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 Richman, filed May 20, 2022, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

July 26, 2022
Date *Jennifer W. Elrod*
Jennifer W. Elrod
United States Circuit Judge
For the Judicial Council of the Fifth Circuit