

FILED

May 20, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-22-90048

MEMORANDUM

Complainant, a state prisoner, has filed a complaint alleging misconduct by the subject United States District Judge in two 42 U.S.C. § 1983 proceedings.

Noting that complainant had previously accrued three strikes for the purposes of 28 U.S.C. § 1915(g) and had not demonstrated that he was in imminent danger of serious physical injury, the judge denied his applications to proceed in forma pauperis and dismissed the cases without prejudice. In the order dismissing Case 1, the judge also warned complainant that he would be subject to sanctions if he filed another civil rights complaint on behalf of his minor son.

Complainant protests that the judge “threatens sanctions and tr[ies] to tell me I cannot protect my son’s Constitutional rights by adding him to my lawsuits. As a father I have every right to protect him against judicial corruption, racketeering, false imprisonment, theft, collusion that’s ruined our lives.” He further asserts that the judge is the district court’s “new whip” who is engaged in “unethical” conduct covering up, and “maybe” participating in, his fellow district judges’ “involvements” in “conspiracy, false imprisonment, collusion, racketeering to protect the U.S. Republican Party.”

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, any assertion of conspiracy 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.”

An order dismissing the complaint is entered simultaneously herewith.

/s/ Priscilla Richman

Priscilla Richman

Chief United States Circuit Judge

May 18, 2022