

FILED

November 14, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-22-90094

MEMORANDUM

Complainant, a pro se litigant, alleges that the subject United States District Judge demonstrated “racial & religious prejudices, bias against me” by “falsif[ying] facts,” “ignoring evidence,” declining to accept complainant’s application to proceed in forma pauperis, and “engaging in demonstrably egregious and hostile behavior towards my pleadings.”¹ Without explaining how the judge was aware of the request, complainant further asserts that the judge dismissed his lawsuit (without prejudice) in retaliation for requesting a copy of the Rules for Judicial-Conduct and Judicial-Disability Proceedings from the Clerk of this Court. Complainant submits that the judge has “engag[ed] in judicial corruption and a RICO criminal civil [sic] conspiracy, and/or retaliatory scheme to deny me justice influenced mainly by Mexican Americans, Black Women, Black & White religious and government agencie[s] who are bribing the judge with kickbacks or gifts.”

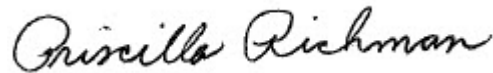
To the extent that these allegations relate directly to the merits of decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the conclusory assertions of

¹ Because complaint proceedings under 28 U.S.C. §§ 351-364 apply only to judicial officers, complainant’s misconduct allegations against chambers personnel are not cognizable. *See* Rule 1(b) and Fifth Circuit Procedure 1(b), Fifth Circuit Rules for Judicial-Conduct and Judicial-Disability Proceedings.

discrimination, bias, retaliation, conspiracy, and bribery appear entirely derivative of the merits-related charge, but to the extent the allegations are separate, they 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 Richman

Chief United States Circuit Judge

November 10, 2022