

FILED

January 3, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-23-90067 through 05-23-90071

MEMORANDUM

Complainant, a pro se litigant, alleges that the subject United States District Judge and the subject United States Magistrate Judge “erred by not recognizing precedential opinion[s]” and lacked the “intellectual capacity . . . to recognize the U.S. District Court has [a] virtually unflagging duty to exercise jurisdiction in order to rectify the fraud committed by Defendant [sic] against [me].” He submits that “the opinion of the judges in the district court are [sic] not aligned with the promises of the U.S. Constitution . . . the [judges] do not honor their oath [sic] of office.”

Complainant complains that, on appeal, the three subject United States Circuit Judges failed “to conduct a substantial inquiry and determine whether [the Appellees] acted within the scope of their authority, whether their court decision was within the small range of available choices, and whether he [sic] could have reasonably believed there were no feasible alternatives.” He further submits that the circuit judges “ruled so far afield of precedent and legal code that such egregious action became a violation of fundamental rights—rights protected by the U.S. Constitution.”

Without differentiating between the subject judges, complainant also alleges:

— “[T]hese judges refused to uphold the US Constitutional protection against the damages from a long and unfounded


campaign perpetuated by Defendants utilizing the [state courts]” to violate complainant’s rights.

- “[J]udges in the Federal Court violated Rule 8.4 [of the American Bar Association’s Model Rules of Professional Conduct]” by failing “to rectify the record promptly” in response to complainant’s claims that the Defendants/Appellees committed “Fraud upon a Tribunal” and “by concealing [the Defendants’/Appellees’] violations against [me]; and, instead attacking [me] with straw man and ad hominem arguments.”
- “The judges’ disability is also the absence of intellectual or moral powers that reduces efficiency.”

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 assertions of incompetence or mental disability appear entirely derivative of the merits-related charges, 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” of incompetence or mental disability.

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

December 26, 2023