

FILED

January 3, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-23-90074

MEMORANDUM

Complainant, a pro se litigant, has filed a complaint alleging misconduct by the subject United States District Judge.

In December 2021, the judge imposed a \$10,000 sanction against complainant and barred him from filing any pleadings with the court until the sanction is paid in full. Complainant reports that when he sought to file motions in January and February 2023, district court clerk's office personnel declined to file them because he had not paid the sanction.


Complainant complains that the judge "was supposed to recuse himself before I filed Rule 11 [sic] and he's got in the computer that I'm not supposed to file anything before the \$10,000 gets paid."

To the extent that the complaint relates directly to the merits of the judge's implicit decision not to recuse sua sponte, it is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, complainant repeats allegations made and dismissed in a prior complaint against the judge, and that aspect of the complaint is therefore subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii).

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.

This is complainant's third merits-related judicial misconduct complaint. Complainant is WARNED that should he file a further merits-related, conclusory, frivolous, or repetitive complaint, his right to file complaints may be suspended and, unless he is able to show cause why he should not be barred from filing future complaints, the suspension will continue indefinitely. *See* Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.



Priscilla Richman

Chief United States Circuit Judge

December 26, 2023