

DEC 05 2019

FIFTH CIRCUIT  
LYLE W. GAYCE, CLERK

**JUDICIAL COUNCIL  
FOR THE FIFTH CIRCUIT**

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Complaint Number: 05-20-90020

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**M E M O R A N D U M**

Complainant, a pro se litigant, has filed a judicial misconduct and disability complaint regarding the rulings and conduct of the subject United States District Judge in three proceedings arising out of complainant's notices of removal from state court foreclosure and eviction proceedings.

Complainant submits that the judge "engaged in conduct prejudicial to the effective and expeditious administration of business of the Courts," is suffering from dementia, and "is haunted by other chronic behavioral problems." In support of these allegations, complainant refers to the judge's conduct and decisions, including:

- Case 1: "only addressing foreclosure, not addressing 28 U.S.C. § 1443 or abuse of Official Capacity [under state law] . . . [or] the Civil Rights Statutes," "lack[ing] the ability to understand jurisdiction and the Statute of Limitations," "ignor[ing] [my] dispute on subject matter jurisdiction," and "the remand is proof of dementia."
- Case 2: failing to grant complainant's motion for leave to proceed forma pauperis before recusing;
- Case 3: denying complainant's motion to recuse for conflict of interest, "allowing the remand to change from" Defendant A in Case 2 to Defendant B in Case 3, "fail[ing] to recognize the Statute of Limitations when presented [under state law], loss of jurisdiction [under state law], [State] Vexatious Plaintiff Pro Se Plaintiff Act"; "not understand[ing] foreclosure removal . . . and the fact that remand is

a legal nullity [under state and federal laws]”, “suborn[ing] perjury” by holding a hearing on the defendant’s motion “to declare [me] a Vexatious Plaintiff”;

— engaging in “a vendetta” against complainant by engineering the assignment the three cases to his docket;

Complainant concludes the judge denied “[me] full rights to [my] house because of dementia or because of a fully prejudiced all Hispanic Court intent on usurping [my] civil rights.”

To the extent that the allegations relate directly to the merits of the judge’s decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegations of interference with the random assignment of cases, racial or ethnic bias, 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 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” or that the judge is suffering from a 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 R. Owen  
Chief United States Circuit Judge

November 20, 2019