

**JUDICIAL COUNCIL  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

April 7, 2020

Lyle W. Cayce  
Clerk

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Complaint Numbers: 05-20-90053 and 05-20-90054

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M E M O R A N D U M

Complainant, a state pretrial detainee, complains that in two recent 42 U.S.C. § 1983 proceedings, the subject United States District Judge and United States Magistrate Judge have “constantly ruled against me,” “purposefully delayed and prevented proceedings,” and “abus[ed] their judicial-power and the law to subvert justice by “maliciously” moot[ing] a major-part of the issues, i.e., TRO and Preliminary Injunctions and also declaratory relief sought.” He asserts that the judge and the magistrate judge entered adverse rulings and engaged in biased conduct “because I am a member of the African [and] Jewish community, and a pro se litigant in custody that stands for American-rights and justice, and legally fights to expose corruption.”

To the extent that these allegations relate directly to the merits of decisions and procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the assertions of racism, religious discrimination, and bias against a pro se prisoner litigant 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.”

Complainant does not provide any specific examples of the judge’s and magistrate judge’s alleged “purposeful” delay. A review of the dockets shows that both cases proceeded normally and therefore the conclusory allegation

of deliberate delay is also subject to dismissal 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.

An order dismissing the complaint is entered simultaneously herewith.



Priscilla R. Owen  
Chief United States Circuit Judge

March 20, 2020