

**FILED**

July 2, 2020

Lyle W. Cayce  
Clerk

**JUDICIAL COUNCIL  
FOR THE FIFTH CIRCUIT**

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Complaint Number: 05-20-90113

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M E M O R A N D U M

Complainant, a federal prisoner, complains that the subject United States Magistrate Judge has not taken any action on his (ex parte) correspondence alleging that an Assistant United States Attorney engaged in “serious . . . criminal [conduct]” during a January 2019 arraignment hearing. Complainant protests that the magistrate judge has a duty to “investigate” and “report” the attorney’s purported misconduct.<sup>1</sup>

To the extent, if any, that the two letters might be construed as formal motions for relief, the allegation relates directly to the merits of the magistrate judge’s implied decision not to take action on complainant’s claims, and the complaint is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

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.



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Priscilla R. Owen  
Chief United States Circuit Judge

July 1, 2020

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<sup>1</sup> A review of the docket shows that complainant’s motion to vacate judgment based on identical claims of prosecutorial misconduct was denied by the presiding United States District Judge.