

**JUDICIAL COUNCIL  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

July 31, 2020

Lyle W. Cayce  
Clerk

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Complaint Number: 05-20-90119

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

Complainant, a federal prisoner, alleges that the subject United States District Judge intentionally dismissed his prisoner civil rights lawsuit by “applying a strict nexus to [28 U.S.C. §] 1915(g) when no nexus applies” to “prevent [me] from suing” the defendant-federal officials. He further asserts that the judge’s denials of his motions for reconsideration “foolishly ignored” Supreme Court of the United States decisions, and the injunction against complainant’s filing further such motions violated his right to access the courts. Complainant submits that the judge’s rulings demonstrate “antagonism towards [me],” “clear favoritism towards [the defendants],” and “abuse of power.”

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 assertion of bias appears entirely derivative of the merits-related charges, but to the extent the allegation is separate, it is wholly unsupported, and is 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.”

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 24, 2020

**FILED**

September 17, 2020

Lyle W. Cayce  
Clerk

**Before the Judicial Council  
of the Fifth Circuit**

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No. 05-20-90119

Petition for Review by [REDACTED]  
of the Final Order Filed July 31, 2020,  
Dismissing Judicial Misconduct Complaint  
Against [REDACTED]  
Under the Judicial Improvements Act of 2002.

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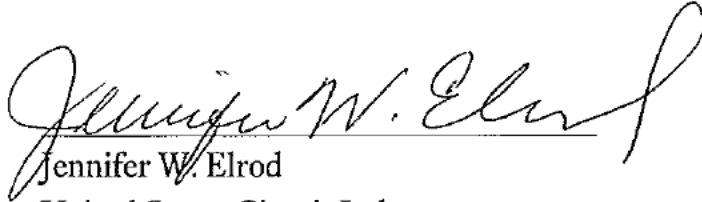
ORDER

An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Chief Judge Priscilla R. Owen, filed July 31, 2020, dismissing the Complaint of [REDACTED] against [REDACTED], under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

Date

9/11/2020

  
Jennifer W. Elrod

United States Circuit Judge

For the Judicial Council of the Fifth Circuit