

**JUDICIAL COUNCIL
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

July 31, 2020

Lyle W. Cayce
Clerk

Complaint Number: 05-20-90120

M E M O R A N D U M

Complainant, a federal prisoner, alleges that the subject United States Magistrate Judge's recommendations regarding the application of 28 U.S.C. § 1915(g) demonstrate "clear arbitrary & intentional departure from or willful indifference to prevailing law" for the "improper motive" of protecting the defendant-federal officials.

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.



Priscilla R. Owen
Chief United States Circuit Judge

July 24, 2020

FILED

September 10, 2020

Lyle W. Cayce
Clerk

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

No. 05-20-90120

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.

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] [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

Date

Sept. 5, 2020

Jennifer W. Elrod

United States Circuit Judge

For the Judicial Council of the Fifth Circuit