

# 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: 05-20-90121

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## MEMORANDUM

Complainant, a state prisoner, complains that the subject United States Circuit Judge lacked jurisdiction to enter an order in August 2017 denying complainant authorization to file a successive 28 U.S.C. § 2254 application and imposing a monetary sanction and a filing injunction. He further protests that by entering the “fraudulent” order, the judge has deprived him of access to the courts to challenge his “false convictions” and obtain release from prison. Complainant, who describes himself as an “elder chronic care patient,” further contends that that the judge conspired with unspecified “parties to commit criminal acts of kidnap and slavery and extortion and attempted murder with the use of a deadly Conora [sic] Virus against [me].”

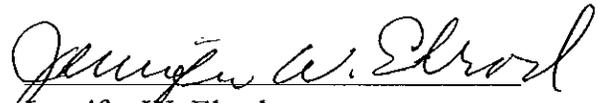
To the extent that these allegations relate directly to the merits of a decision or procedural ruling they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegations appear entirely derivative of the merits-related charges, but to the extent the allegations are separate, 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.”

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.

This is complainant’s second complaint in two months alleging identical misconduct by a member of the three-judge panel which issued the 2017 order. Complainant is WARNED that should he file a further merits-related, conclusory,

frivolous, or repetitive complaint, his right to file complaints may be suspended and, unless he is able to show cause why he should not be barred from filing future complaints, the suspension will continue indefinitely. See Rule 10(a), Rules For Judicial-Conduct and Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.

  
Jennifer W. Elrod  
Circuit Judge

July 29, 2020