

Judicial Council
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

July 31, 2020

Lyle W. Cayce
Clerk

Complaint Number: 05-20-90123

MEMORANDUM

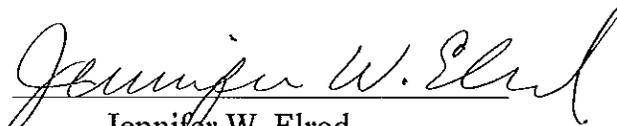
Complainant, a state prisoner, complains that in dismissing his judicial misconduct complaint against United States Circuit Judge A, United States Circuit Judge B used his “office to obtain special treatment for a friend,” committed “felony aggravated perjury,” and violated the Racketeer Influenced and Corrupt Organizations (RICO) Act.

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.

An order dismissing the complaint is entered simultaneously herewith.

July 30, 2020


Jennifer W. Elrod
Circuit Judge