

FILED

August 6, 2020

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-20-90124

MEMORANDUM

Complainant, a private citizen and father of pro se litigant “Ms. A”, has filed a complaint alleging misconduct by the subject United States District Judge in Ms. A’s pending civil rights lawsuit.

Ms. A’s lawsuit is against the Executive Director of a State Board of Medical Examiners, seeking to obtain the Board’s records of Ms. A’s unsuccessful complaint to the Board against physicians at Hospital X. Complainant complains that the judge should be “automatically disqualified” under 28 U.S.C. § 455 because the judge’s nephew is currently employed as a physician at Hospital X.

The allegation relates directly to the merits of the judge’s decision not to recuse and 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.



Priscilla R. Owen
Chief United States Circuit Judge

August 4, 2020