

FILED

August 6, 2020

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-20-90126

MEMORANDUM

Complainants, two pro se litigants, allege that the subject United States District Judge entered erroneous rulings and engaged in “unspeakable practices . . . lack of transparency, misappl[ication] [of] rules under color of law, failing to be impartial, [and] failing to correct a blatant negligence” in their miscellaneous civil proceeding. They protest that in denying their request for clarification of the court’s order dismissing their lawsuit for lack of subject matter jurisdiction, the judge simply stated: “The Order speaks for itself and needs no clarification.” Complainants submit the statement was “bias[ed], contentious, hostile” and violated federal statutes, unspecified Judicial Canons, “Supreme Court Justice Brett M. Kavanaugh’s ruling in favor of Arbitration, President Trump’s Executive Orders of 2017 and 2019,” and constituted a “breach of contract against the Public Trust, et al.”

The complainants conclude that the judge “is unable to discharge the duties of [judicial office] due to mental disability and or bias[ed] views.”

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 assertions of bias and mental disability appear entirely derivative of the merits-related charges, but to the extent the allegation is 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” or that the judge is suffering from a mental disability.

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