

FILED

March 12, 2021

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-21-90067

MEMORANDUM

Complainant, a state prisoner, complains that in a pending 28 U.S.C. § 2254 proceeding, the subject United States District Judge “took expedite[d] action” in ruling on the Respondent’s motions whereas the judge has taken no action on motions complainant filed between August and December 2020. He further complains that in a pending 42 USC § 1983 proceeding, the judge has “ignored” motions complainant filed between September and December 2020. Complainant asserts that the judge’s failure to rule on his motions constitutes evidence of “habitual delay” and of “intentional discrimination” based on complainant’s (unspecified) national origin and religion (i.e., “Jewish descent”).

Neither the delays of five or six months in rendering decisions in the two proceedings, nor the conclusory assertion that the delays are intentional and discriminatory, are sufficient to support a finding of judicial misconduct and the complaint is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

An order dismissing the complaint is entered simultaneously herewith.



Priscilla R. Owen
Chief United States Circuit Judge

March 11, 2021