

FILED

March 12, 2021

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-21-90077 and 05-21-90078

MEMORANDUM

Complainant, a pro se litigant, has filed a largely incoherent complaint alleging misconduct by the subject United States District Judge and the subject United States Magistrate Judge in a 2018 civil proceeding.¹

Complainant alleges that the magistrate judge “created deception for [the defendants’] personal financial gain” and “fail[ed] to report or disclose [that] fraud by deception” to “the chief judge of the 5th Circuit.” He further asserts, nonsensically, that the magistrate judge “kept asking” the judge “to dismiss” complainant’s closed 2017 lawsuit against the same defendants. Complainant contends that the magistrate judge “thought this case was De Ja Vue [sic] and a waste of time” and “most actions were with malice or [sic] forethought.”

Complainant complains that the judge “showed a willful blindness to” his claims that the defendants engaged in “fraud, deception with malice, forgery, lying, intimidation of a handicap [sic] person and sending false information to a government agency.” He further asserts that the judge “made it hard by not ordering parties to share some information even if it were info under Rule 26.” Complainant also submits that the judge “showed an extreme motivation”—i.e., “he really believed a previous case was trying to be relitigated”—“to find a reason to dismiss my pro se case with prejudice, even if it meant ruling without jurisdiction.” In addition, he

¹ The Clerk gave complainant two opportunities to clarify his claims, and those supplemental statements of fact are considered here as part of the consolidated complaint.

objects that the judge “failed to report/disclose to the relevant chief district judge or chief circuit judge” that the defendants “intimidate[ed] me as a protected class” and “that he [i.e., the judge] did not understand [the applicable law].”

Complainant concludes that the subject judicial officers demonstrated “confusion” and “extreme bias and a strong desire to rule with prejudice against a pro se plaintiff that could appear in court again unless [the] case was dismissed with prejudice.”

To the extent that these allegations relate directly to the merits rulings or procedural decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegations of “extreme bias” against a pro se litigant appear entirely derivative of the merits-related charges, but to the extent the allegations are separate, they are wholly unsupported, and are 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.



Priscilla R. Owen
Chief United States Circuit Judge

March 11, 2021