

Judicial Council for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 13, 2021

Lyle W. Cayce
Clerk

Complaint Number: 05-21-90091

MEMORANDUM

Complainant, a federal prisoner, alleges that the subject United States District Judge “allowed a case to be brought to a Grand Jury against [me]. This was in error, due to the United States’ lack of standing, as [sic] required under Article III.” Without providing any evidence in support of the claim, complainant surmises that the judge “likely has many other cases of [sic] which are equally illegal.”

The complaint relates directly to merits of a decision or procedural ruling 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.

This is complainant’s third merits-related judicial misconduct complaint regarding the same proceeding. Complainant is WARNED that should he file a further merits-related, conclusory, frivolous, or repetitive complaint, his right to file complaints may be suspended and, unless he is able to show cause why he should not be barred from filing future complaints, the

suspension will continue indefinitely. *See* Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.



Priscilla R. Owen
Chief United States Circuit Judge

April 11, 2021