

**FILED**

April 13, 2021

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Numbers: 05-21-90096 and 05-21-90097

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## MEMORANDUM

Complainant, a state prisoner, has filed a complaint alleging misconduct by the two subject United States District Judges in two underlying civil proceedings.

Complainant alleges that Judge A and Judge B “knew” that he had not accrued three valid strikes under 28 U.S.C. § 1915(g), and that their erroneous decisions to the contrary must therefore reflect either disability, racial prejudice, bribery, or obtaining special treatment for friends or relatives. He further alleges that Judge B has “political ties” to the lead defendant in complainant’s second suit, and he implies that the judge was therefore biased against him. He provides no evidence of these alleged improper motives or disability other than the judges’ adverse rulings.

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, the conclusory allegations of improper motive and disability appear entirely derivative of the merits-related charges, but to the extent the allegations are 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 either judge is suffering from a 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.



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Priscilla R. Owen  
Chief United States Circuit Judge

April 11, 2021