

FILED

June 15, 2021

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-21-90125

MEMORANDUM

Complainant, a pro se litigant, has filed a complaint alleging misconduct by the subject United States District Judge.

Complainant complains that in dismissing his lawsuit, the judge determined that even though he cited two federal statutes, he failed to state a claim upon which relief may be granted. Complainant protests that the judge “changed [the] context of Federal Statu[t]e and [the] State Statu[t]e Merits; of my Case” which, he submits, constitutes “Misconduct thru Technical Bias Actions.”

To the extent that the allegation relates directly to the merits of the judge’s decision, it is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertion of “technical bias actions” appears entirely derivative of the merits-related charge, but to the extent the allegation is separate, it is wholly unsupported, and is 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.”

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 second merits-related complaint in three months regarding the judge’s dismissal of his lawsuit. 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

June 10, 2021

**Before the Judicial Council
of the Fifth Circuit**

United States Court of Appeals

Fifth Circuit

FILED

August 12, 2021

Lyle W. Cayce
Clerk

Complaint Number: 05-21-90125

The Petition for Review by [REDACTED] Against

[REDACTED]
Under the Judicial Improvements Act of 2002.

ORDER

An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Chief Judge Priscilla R. Owen, filed June 15, 2021, dismissing the Complaint against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

August 10, 2021
Date

Jennifer W. Elrod

Jennifer W. Elrod
United States Circuit Judge
For the Judicial Council of the Fifth Circuit