

FILED

January 10, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-22-90025

MEMORANDUM

Complainant, a state prisoner, has filed a complaint alleging misconduct by the subject United States Magistrate Judge in a pending 42 U.S.C. § 1983 proceeding.

Complainant complains that in denying his motions for discovery, “ev[i]dence,” and to enter “non-discovery ev[i]dence,” the magistrate judge “has decided my defen[s]e for me clearly a violation of my due process due to the clear facts.” He further complains that despite notifying the court that the defendants are “clearly attempt[ing] to con[c]eal records,” the magistrate judge’s rulings have obstructed his ability to preserve and obtain those records. He submits that the magistrate judge is “helping the State to con[c]eal a crime.”

To the extent that these allegations relate directly to the merits of the magistrate judge’s rulings and procedural decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertion of improper motive appears entirely derivative of the merits-related charges, 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.

An order dismissing the complaint is entered simultaneously herewith.

A handwritten signature in cursive script, reading "Priscilla R. Owen".

Priscilla R. Owen
Chief United States Circuit Judge

January 5, 2022

FILED

February 4, 2022

Lyle W. Cayce
Clerk

Before the Judicial Council of the Fifth Circuit

Complaint Number: 05-22-90025

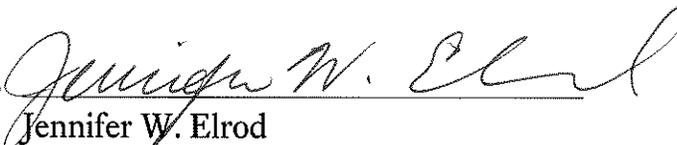
The Petition for Review by [REDACTED] Against
[REDACTED]

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 January 10, 2022, dismissing the Complaint against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

Feb. 3, 2022 
Date Jennifer W. Elrod
United States Circuit Judge
For the Judicial Council of the Fifth Circuit