

FILED

February 4, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-22-90041

MEMORANDUM

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

Noting that complainant had previously accrued three strikes for the purposes of 28 U.S.C. § 1915(g) and had not demonstrated that he was in imminent danger of serious physical injury, the judge denied his applications to proceed in forma pauperis. The cases were dismissed.

Complainant alleges that in dismissing Case 1, the judge “cit[ed] lies about filing frivolous lawsuits to cover-up a National Conspiracy to protect billion dollar Corporations from their crimes and liabilities if they fund State politicians and pay bribes to State and Federal judges.” He further submits that because Case 2 was “directly related to the same State cover-up,” and because “it’s painfully clear that once a judge becomes corrupted like [the subject judge], it’s not likely he will change his spots, it [was] unethical for him to preside over the same cover-up once he’s been involved in it.”

To the extent that these allegations relate directly to the merits of decisions or procedural rulings, including any implied decision not to recuse sua sponte, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertions of conspiracy and bribery 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.”

An order dismissing the complaint is entered simultaneously herewith.



Priscilla R. Owen
Chief United States Circuit Judge

February 2, 2022