

FILED

May 20, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-22-90047

MEMORANDUM

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

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 application to proceed in forma pauperis and dismissed the case without prejudice.

Complainant reports that the judge previously denied his 28 U.S.C. § 2254 petition challenging his state conviction and sentence, and he appears to allege that the judge's recent dismissal of his 42 U.S.C. § 1983 action is "part of the same conspiracy" to cover up "Corporate crimes, my actual innocence and Constitutional rights deprivations" raised in the § 2254 petition. He further alleges that the judge has "taken bribes" from one of the corporations.

To the extent that these allegations relate directly to the merits of decisions or procedural rulings, including the 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.

/s/ Priscilla Richman

Priscilla Richman

Chief United States Circuit Judge

May 18, 2022