

Judicial Council for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 9, 2022

Lyle W. Cayce
Clerk

Complaint Number: 05-22-90069

MEMORANDUM

Complainant, a state prisoner, alleges that in dismissing his 42 U.S.C. § 1983 action for failure to state claim upon which relief may be granted, the subject United States District Judge “knowingly and willingly” covered up the defendant-United States District Judge’s purported involvement in “State Racketeering Enterprise crimes,” and the subject judge’s own involvement in those crimes. Complainant implies that the subject judge’s failure to recuse himself sua sponte was “unethical,” “unconstitutional,” and “corrupt.”

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, any assertion of corruption 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.

/s/ Priscilla Richman
Priscilla Richman
Chief United States Circuit Judge

June 7, 2022