

FILED

June 9, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-22-90076

MEMORANDUM

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

Complainant alleges that the judge did not order the defendants to answer his claims because “they would have had to pay for th[eir] [own] attorneys,” “allowed the defendants . . . to author the order dismissing my civil case against them,” committed “perjury” by finding that complainant’s claims were “frivolous when in fact all of the facts against [the defendants] [are] true,” and “would rather get in bed with Racketeers than see me compensated for the wrongs that the defendants have done to [me].”

Complainant initially filed the underlying lawsuit in a district court in another federal circuit, and a district judge ordered that the matter be transferred to a United States District Court in the Fifth Circuit. Complainant filed a Notice of Appeal from the order transferring the case. Noting that the other district court granted his application to proceed in forma pauperis on appeal in that circuit, complainant protests that the subject judge improperly “demanded” that he file an application to proceed in forma pauperis on appeal in the United States Court of Appeals for the Fifth Circuit. A review of the orders entered in the underlying case indicates that the judge made no such “demand,” and the allegation is therefore construed as being aimed at the judge’s denial of complainant’s motion to proceed in forma pauperis on appeal.

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 assertions of bias and conspiracy 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.”

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 8, 2022

FILED

July 29, 2022

Lyle W. Cayce
Clerk

Before the Judicial Council of the Fifth Circuit

Complaint Number: 05-22-90076

Petition for Review by [REDACTED]
of the Final Order Filed June 9, 2022,
dismissing the Judicial Misconduct Complaint against
[REDACTED]
[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 Richman, filed June 9, 2022, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

July 26, 2022

Date

/s/Carl E. Stewart

Carl E. Stewart

United States Circuit Judge

For the Judicial Council of the Fifth Circuit