

FILED

November 30, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-22-90103

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.

Complainant complains that the judge's denial of his application to proceed in forma pauperis, dismissal of his lawsuit for failure to state a claim upon which relief may be granted, and imposition of a monetary sanction and a filing preclusion amount to "retaliation" and "extortion" and constitute evidence of "a plot" to "cover-up [the judge's and his] cronies' criminal protection racket with [local] billion-dollar corporations."

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 retaliation, extortion, and criminal 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.

This is complainant's tenth merits-related and conclusory complaint in nine months, and he has been warned previously against filing further merits-related, conclusory, frivolous, or repetitive complaints. Complainant's right to file complaints is hereby SUSPENDED pursuant to Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Complainant may show cause, through a petition for review submitted pursuant to Rule 18, why his right to file further complaints should not be so limited.

An order dismissing the complaint is entered simultaneously herewith.



Priscilla Richman
Priscilla Richman
Chief United States Circuit Judge

November 29, 2022