

FILED

April 5, 2023

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-22-90117

MEMORANDUM


Complainant, a federal prisoner, alleges misconduct by the subject United States District Judge in post-conviction proceedings.

The docket records that the judge entered a “text only” order finding that complainant’s Motion to Appoint Counsel to assist him in filing 28 U.S.C. § 2255 claims was not well taken and would be denied. Complainant asserts that the judge’s failure to enter findings and conclusions of law in denying the motion constitutes “conduct prejudicial to the effective and expeditious administration of [the] business of the courts” because “[a] court of appeals can do no more than remand the case to the district court for a more focused and thorough review.”

The complaint relates directly to the merits of a decision or procedural ruling and is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

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.



Priscilla Richman

Chief United States Circuit Judge

April 5, 2023