

FILED

March 29, 2023

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-23-90006

MEMORANDUM

Complainant, a federal prisoner, has filed a complaint alleging misconduct by the subject United States District Judge in complainant's criminal proceeding. Complainant notes that 28 U.S.C. § 455(b)(5)(i) requires a judge to disqualify himself or herself if the judge "is a party to the proceeding, or an officer, director, or trustee of a party." Complainant appears to claim that because he identified the judge as a "Trustee" in a Letter Rogatory and a Conditional Acceptance upon Proof of Claim Stipulation, the judge was required to disqualify himself but failed to do so.

The allegation relates directly to the merits of the judge's implied decision not to disqualify himself and is therefore 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.

/s/ Priscilla Richman

Priscilla Richman

Chief United States Circuit Judge

March 25, 2023