

**FILED**

April 5, 2023

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Numbers: 05-23-90023 and 05-23-90024

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## MEMORANDUM

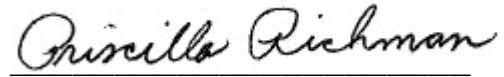
Complainant, an attorney, has filed a second complaint alleging misconduct by the subject United States Bankruptcy Judge (Judge A) in a bankruptcy proceeding and by the subject United States District Judge (Judge B) in a related appeal.

Complainant complains that Judge B erroneously, improperly, and summarily denied his request for relief from her order barring him from representing a debtor on appeal, even though the debtor has died and he is the attorney for her succession. He further complains the order “threatens both successions with sanctions.” Complainant also asserts that testimony in a criminal trial supports his contention that Judge A and Judge B erred in denying the debtor’s challenges to the claim of a bankruptcy creditor, and that their rulings are “*inexplicable*” (emphasis in original) and are therefore evidence of misconduct.

The complaint relates directly to the merits of the judges’ decisions and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii) and Rule 11(c)(1)(B), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

**FILED**

August 3, 2023

Lyle W. Cayce  
Clerk

**Before the Judicial Council  
of the Fifth Circuit**

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Complaint Numbers: 05-23-90023 and 05-23-90024

Petition for Review by [REDACTED] regarding  
Complaint of Misconduct and/or Disability Against

[REDACTED]  
and [REDACTED]

Under the Judicial Improvements Act of 2002, 28 U.S.C. §§ 351-364.

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**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 R. Owen, filed April 5, 2023, dismissing the Complaint of [REDACTED] against [REDACTED] and [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

*August 3, 2023*  
Date *Jennifer W. Elrod*  
Jennifer W. Elrod  
United States Circuit Judge  
For the Judicial Council of the Fifth Circuit