

**FILED**

August 23, 2023

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-23-90041

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## MEMORANDUM

Complainant, a state prisoner, alleges misconduct by the subject United States District Judge in a pending civil matter.

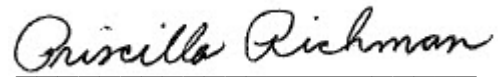
The judge entered an order in that matter denying the plaintiffs' motion for a preliminary injunction against certain actions by state prison officials.

Complainant alleges that the denial of the preliminary injunction conflicts with a State Supreme Court ruling and demonstrates that the judge is "using the federal court bench to do a favor for" and is "aiding and abetting the crime of" state prison officials. He concludes that the judge has "got to suffer from a mental defect or some type of dis[a]bility."

To the extent that these allegations relate directly to the merits of the chief judge's decision, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertions of bias or disability 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" of misconduct and/or disability.

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

August 19, 2023