

**FILED**

September 19, 2023

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-23-90048

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## MEMORANDUM

Complainant, a pro se litigant, has filed a complaint alleging misconduct by the subject United States District Judge.

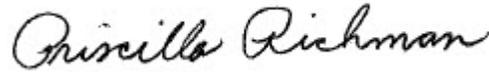
In January 2023, the judge entered an order striking complainant’s Notice asserting that all documents filed by defense counsel—whose application for pro hac vice admission had been granted by a magistrate judge—were a nullity because, under the Local Rules, only a district judge had authority to grant such an application. Noting that the court had previously warned complainant against filing further frivolous and repetitive motions and notices, the judge also instructed the clerk not to accept any further filings in the case and ordered that no judicial officer shall allow complainant to file any document regarding the case.

Complainant complains that the January 2023 order “show[ed] clear bias” against him as a pro se litigant, violated his “freedom of speech,” and “stereotyped” him as a “vexatious” litigant. He protests further that the judge’s determination that the magistrate judge had the authority to grant the application for pro hac vice admission should have been made prior to entering final judgment on November 30, 2021. He also alleges that the judge erroneously and improperly held that he had exhausted his appeals, and it was “a clear abuse of discretion, [and an] arbitrary and capricious act” to enter the order while an appeal was (purportedly) pending.

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, the allegation of bias appears entirely derivative of the merits-related charges, but to the extent the allegation is separate, it is wholly unsupported, and is 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.

An order dismissing the complaint is entered simultaneously herewith.



Priscilla Richman

Chief United States Circuit Judge

September 15, 2023

**FILED**

November 30, 2023

Lyle W. Cayce  
Clerk

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

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Complaint Number: 05-23-90048

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

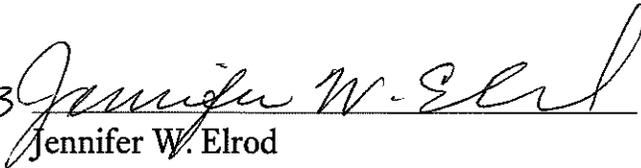
[REDACTED]  
[REDACTED]  
Under the Judicial Improvements Act of 2002, 28 U.S.C. §§ 351-364.

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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 United States Circuit Judge Priscilla Richman, filed September 19, 2023, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

*November 21, 2023*  
Date   
Jennifer W. Elrod  
United States Circuit Judge  
For the Judicial Council of the Fifth Circuit