

Judicial Council for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 9, 2024

Lyle W. Cayce
Clerk

Complaint Number: 05-23-90107

MEMORANDUM

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

Complainant protests that “my intervening in the case was my constitutional right” and it was therefore improper for the judge to dismiss his motion to intervene as “moot.” Without providing any information in support of the claim, he further asserts that the judge “neglected to rule or order [sic] on my filings because they [sic] were behind on responding to other court cases.”

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, any assertion of “neglect” 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

December 29, 2023

FILED

February 28, 2024

Lyle W. Cayce
Clerk

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

Complaint Number: 05-23-90107

Petition for Review by [REDACTED]

Regarding Complaint of Misconduct and/or Disability Against

[REDACTED]

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

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 Richman, filed January 9, 2024, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

02-23-2024

Date

Jennifer W. Elrod

United States Circuit Judge

For the Judicial Council of the Fifth Circuit