

Judicial Council for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 9, 2024

Lyle W. Cayce
Clerk

Complaint Number: 05-23-90108

MEMORANDUM

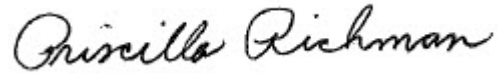
Complainant, a state prisoner, has filed a complaint alleging misconduct by the subject United States District Judge in complainant's 28 U.S.C. § 2254 proceeding.

Complainant complains that by granting the Respondent's motion for summary judgment, the judge "deprived me of my constitutional rights" and "twist[ed] justice in a wicked manner" by "refus[ing] to hear my case," and engaged in "absolute corruption" by knowingly "cover[ing] up" the state prosecutorial misconduct which resulted in complainant's purportedly wrongful conviction. He further complains that despite knowing "that I am a 100% disabled Vietnam Veteran with mental disability, ... indigent, undereducated (not knowing the law)," the judge improperly "threatened" him that further duplicative and frivolous filings would result in monetary sanctions.

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 corruption 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.

A handwritten signature in cursive script that reads "Priscilla Richman".

Priscilla Richman

Chief United States Circuit Judge

December 29, 2023

FILED

January 31, 2024

Lyle W. Cayce
Clerk

Before the Judicial Council of the Fifth Circuit

Complaint Number: 05-23-90108

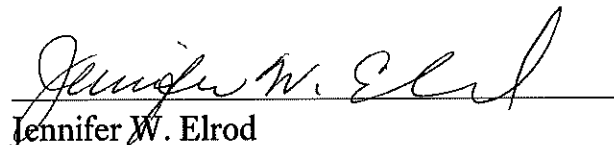
Petition for Review by [REDACTED]
Regarding Complaint of Misconduct and/or Disability Against
[REDACTED]
Southern District of Texas,
Under the Judicial Improvements Act of 2002, 28 U.S.C. §§ 351-364.

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] [REDACTED] Northern District of Texas, under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

January 30, 2024
Date


Jennifer W. Elrod

United States Circuit Judge

For the Judicial Council of the Fifth Circuit