

**FILED**

January 9, 2024

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Numbers: 05-23-90130 through 05-23-90134

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## MEMORANDUM

Complainant, a state prisoner, has filed a barely intelligible complaint alleging misconduct by the subject United States District Judge and the subject United States Magistrate Judge in complainant's 42 U.S.C. § 1983 proceeding, and by the three subject United States Circuit Judges in a related appeal.

Complainant complains that the district judge and the magistrate judge "Denied Due process" and "Deprive[d] me of Redress Negligence of Duty In violation of Equal Protection Clause of the 14th Amendment." He lists examples of erroneous and/or improper decisions and alleged misconduct, including: "Breach of Duty"; "Negligence in Ethic [sic], obligation and Due process of law"; "Failure to Investigate"; "Abuse of process in the Service of process was Abandon[ed] by Bribery"; "Breach of Contract in Bad Faith Dishonesty in facts in the Conduct"; "collusion in Illegal Activity obstructing Justice"; "Acting as a lawyer for the defendants in the legal Malice of Interfering with Lawsuit"; "Harassment of Unnecessary Abuse of Authority failure to Administer justice in the Culpable Negligence . . . [t]hat has threaten the inte[grity] of Administration of Justice in the Actionable tort of Conspiracy . . . by Crimen Falsi and Criminal Maintena[n]ce by Misprision of A Felony"; held that a defendant "I told them was not a defendant . . . was a defendant"; and "Flagitious [sic] Acts to

Deprive Equal Protection of the law by bribery In legal Negligence And Fatal variance by Misrepresentation by the erroneous Improper Judgment of Opinion In Stead Applying the law.”

Complainant alleges that the three circuit judges also deprived him of due process and violated his right to equal protection. For example, the judges: “failed twice to Apply the Applicable law”; “fail[ed] to Apply the law In Rem. And Adjudicate the Case as the Record will Reflect All Deprivation of Redress. By per curiam that is not law or the conclusion”; and “Denied Panel Hearing then Denied En banc Hearing failure to Reconsider Motion Also Ask for a Counsel. The Rules to the Court failure to Comply with the Contract.”

Complainant objects that he “was seeking redress and help from the Court of law” but the subject judges “w[ere] Negligent in the[ir] Affirmative Duty to Administer Justice” through their “failure to provide a Federal Judicial Forum for Resolution of Serious Constitutional Claim” and “Failure in obligation of Adjective [sic] law, Procedural law, Substantive law, Constitutional procedural law, . . . Common law, And the Administrative Law as apply to Rule Subject matter, by ways of Rules, Regulation[s], orders, and Decision[s].”

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 assertions of obstruction of justice, bribery, and conspiracy 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 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".

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Priscilla Richman  
Chief United States Circuit Judge

December 29, 2023

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

United States Court of Appeals  
Fifth Circuit  
**FILED**  
February 16, 2024  
Lyle W. Cayce  
Clerk

Complaint Numbers: 05-23-90130 through 05-23-90134

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.

**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]

[REDACTED]

under  
the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

February 9, 2024      Jennifer W. Elrod  
Date                      Jennifer W. Elrod  
United States Circuit Judge  
For the Judicial Council of the Fifth Circuit