

FILED

January 9, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-24-90010

MEMORANDUM

Complainant, a pro se litigant, alleges that the subject United States District Judge’s denial of his motion for ECF filing privileges in the underlying 42 U.S.C. § 1983 proceeding “was baseless,” and demonstrates intentional bias against complainant because the judge “knew I lived in [another State] and that having to use USPS “snail mail” would stall matters so much as to be an **extreme prejudice against me.**” Complainant further protests that “only the Clerk [sic] staff . . . should have been involved” in processing his notice voluntarily withdrawing his complaint, “[h]owever, [the judge], for unknown reasons, not only filed an Order relating to my voluntary dismissal, but he also violated F.R.C.P. 41 by ordering the case to be dismissed **with prejudice,**” i.e., “trying to prevent me from filing the Complaint again.” He submits that these erroneous and “hostile” decisions show that the judge is “either incompetent” or “is not following the rules and is biased against pro se litigants.”

Noting that he “state[d] clearly” that his 42 U.S.C. § 1983 action “ha[d] as *de facto* defendants the same Warp Speed federal government defendants as in [a case pending in another federal district court],” complainant submits that the judge’s adverse rulings “smack[ed] of judicial misconduct geared toward colluding with . . . the Biden White House.”

To the extent that the 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 prejudice, bias,

incompetence, and collusion 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.



Priscilla Richman

Chief United States Circuit Judge

December 29, 2023