

Judicial Council for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 9, 2024

Lyle W. Cayce
Clerk

Complaint Number: 05-24-90015

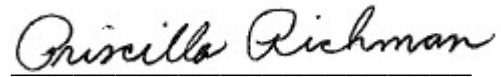
MEMORANDUM

Complainant, a civil litigant, alleges misconduct by the subject United States Magistrate Judge in an employment discrimination proceeding. He complains that “three weeks before” the scheduled jury trial, the magistrate judge, presiding by consent of the parties, sua sponte reconsidered the district judge’s order denying the defendant’s motion for summary judgment and granted the motion in favor of the defendant. Complainant protests that the magistrate judge “was biase[d]” and “violated [my] right to have [my] court date.”

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 assertion 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.

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

Priscilla Richman
Priscilla Richman
Chief United States Circuit Judge

December 30, 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 Number: 05-24-90015

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**.

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