

FILED

January 19, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-24-90032

MEMORANDUM

Complainant, a federal prisoner, alleges misconduct by the subject United States District Judge in a pending 28 U.S.C. § 2241 proceeding.

In an order directing complainant to either submit the filing fee or an application to proceed in forma pauperis, the judge recited the factual allegations and procedural history of the charges on which complainant was convicted. Complainant asserts that the judge's factual recitation was "a colored and highly prejudicial narrative," and that it "was wholly improper for [the judge] to disparage me and impugn my credibility and that of the case before this case even started."

The judge's recitation in the order of the factual allegations under which complainant was convicted is not sufficient to raise an inference of bias or other misconduct, and the complaint is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

An order dismissing the complaint is entered simultaneously herewith.



Priscilla Richman

Chief United States Circuit Judge

January 9, 2024