

# Judicial Council for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

April 16, 2024

Lyle W. Cayce  
Clerk

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Complaint Number: 05-24-90052

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## MEMORANDUM

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

Complainant complains that the magistrate judge "was never approved by me (victim) to oversee this case," was "a complete failure," "was over his head in handling this complexed [sic], perplexed [sic], unprecedented, unusual case," and "catered to the prosecutorial party by ignoring filed motions." For example, complainant asserts that:

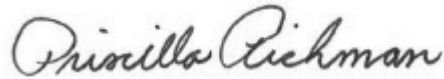
- In recommending that the district court should grant the Respondent's motion for summary judgment, the magistrate judge "deprived me of my constitutional rights . . . and twisted justice into gravely grossly justice [sic] in a wicked manner by refusing to hear my case through a grossly [sic] scheme, and [he] engaged in "absolute corruption" by knowingly covering up the state prosecutorial misconduct which resulted in [my] purportedly [sic] wrongful conviction."
- "[D]espite knowing that I am a 100% disabled Vietnam Veteran with mental disability, indigent, undereducated (not know [sic] the law), [the magistrate judge] cleverly failed to rule on numerous filed motions that he outright frivolously through embezzlement denied

[sic] ruling on my motions (pro se) [sic] substantially would garnish my freedom.”

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 incompetence, bias, corruption, or “embezzlement” 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

April 12, 2024

**FILED**

July 1, 2024

Lyle W. Cayce  
Clerk

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

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Complaint Number: 05-24-90052

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.

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**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 April 16, 2024, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

June 26, 2024  
Date

Jennifer W. Elrod  
Jennifer W. Elrod  
United States Circuit Judge  
For the Judicial Council of the Fifth Circuit