

**FILED**

April 16, 2024

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-24-90054

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## MEMORANDUM

Complainant, a pro se litigant, has filed a complaint alleging misconduct by the subject United States District Judge in Case 1 and Case 2 (complainant's employment discrimination cases) and in Case 3 (a civil rights action in which complainant was not a party).

Complainant alleges that the judge erroneously and improperly granted the defendant's motion for summary judgment in Case 1, "violating Federal Rule #56 which clearly states no summary judgment can be granted when there are material disputable facts." Asserting that the judge also erroneously and improperly granted summary judgment in Case 3, complainant contends that these decisions demonstrate the judge "really believes he's above the laws of the U.S. He can't just violate federal rules and laws an[d] not be held accountable."

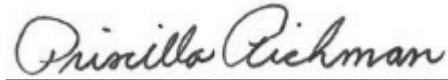
Complainant also complains that in denying reconsideration of the denial of his application to proceed in forma pauperis in Case 2, the judge improperly "stated . . . [I] filed 9 lawsuits in [the district] court as if there's a[n] issue with [my] filing within [that court]," and unfairly "dismissed said case ... because [I] couldn't pay [the] filing fee. . . . [I] feel [the] judge was bias[ed], retaliated."

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 bias and retaliation 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