

Judicial Council for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 16, 2024

Lyle W. Cayce
Clerk

Complaint Numbers: 05-24-90058 through 05-24-90060

MEMORANDUM

Complainant, a pro se litigant, alleges that adverse rulings entered by the three subject United States Circuit Judges in complainant's appeal constitute evidence of misconduct and/or "a mental or physical disability resulting in the inability to discharge the duties of their judicial office."

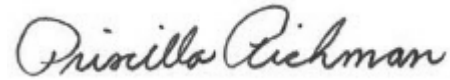
For example, complainant asserts that the judges "didn't read the evidence that proves that the Statute of Limitations is tolled for fraud and legal disability," "ignored state law," "ignored the [State] Supreme Court," "ignored the 5th Circuit," "ignored the Supreme Court [of the United States]," and "ignored evidence that proves fraud upon the court." He further complains that the judges "blocked [my] Petition for Rehearing En Banc treating [it] as a petition for panel rehearing." Complainant concludes that these improper and erroneous rulings indicate that the judges "cannot read" and "therefore they are considered disabled judicial machinery, caused by misconduct or disability."

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 assertion of disability 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 the judges are suffering from a disability that renders them unable to discharge the duties of judicial office.

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