

Judicial Council for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 19, 2024

Lyle W. Cayce
Clerk

Complaint Number: 05-24-90062

MEMORANDUM

Complainant, a pro se litigant, alleges misconduct by the subject United States District Judge in two civil cases.

Case 1

Complainant alleges that the judge entered “biased orders” dismissing the case with prejudice and denying his post-judgment motions for rehearing and for reconsideration.

Case 2

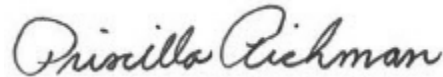
Complainant alleges that the judge: “failed to comply with the Constitution of the United States,” the “dictates of the [sic] Supreme Court, Federal and State case law, [and the] Federal Rules of Civil Procedure case law that defines the actions and obligations of fully measuring or controlling the correct direction of the courts”; “deni[ed] my 7th Amendment Right”; acted as “a defense Attorney not a Fair Impartial Judge”; and entered “biased orders” dismissing the case “with prejudice” and denying his post-judgment motions for her recusal because she was “protecting” her biased rulings in Case 1.

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 or other improper 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 17, 2024

FILED

July 1, 2024

Lyle W. Cayce
Clerk

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

Complaint Number: 05-24-90062

Petition for Review by [REDACTED]
Regarding Complaint of Misconduct and/or Disability Against
United States [REDACTED]
[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 April 19, 2024, dismissing the Complaint of [REDACTED] against United States [REDACTED] [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