

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

IN RE MATTERS INVOLVING
U. S. DISTRICT JUDGE
THOMAS G. PORTEOUS, JR.

Docket No. 07-05-351-0085

COMPLAINT OF JUDICIAL MISCONDUCT

By Edith H. Jones, Chief Judge:

Pursuant to Rule 2(J) of the Fifth Circuit Rules Governing Complaints of Judicial Misconduct or Disability, I initiate, nunc pro tunc, a complaint of judicial misconduct concerning the Honorable Thomas G. Porteous, Jr.

This complaint is based on the facts and circumstances related in the complaint filed May 18, 2007, by John C. Keeney, Deputy Assistant Attorney General, Criminal Division, of the United States Department of Justice. Mr. Keeney's complaint contains sufficient factual statements of judicial misconduct, as it rests upon sworn grand jury testimony, publicly available records of court proceedings, business documents provided to the grand jury under subpoena, and various filings and statements (some of them under penalty of perjury) by Judge Porteous himself. Although it appears to me that the May 18th complaint, thus founded upon statements made under oath or facts verified pursuant to standard

EXHIBIT 2B

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rules of evidence, complies with Rule 2(A)-(H) of this Circuit's misconduct rules, I exercise my authority as Chief Judge "in the interest of the effective and expeditious administration of the business of the courts and on the basis of available information" to identify the matters contained in the May 18th letter as a Chief Judge-initiated misconduct complaint. Rule 2(J). Further, because the May 18th letter is detailed, self-explanatory, and already has been the subject of considerable discussion between Judge Porteous and his counsel and the investigating committee of the Fifth Circuit Judicial Council, I rely on that letter and the actions that have been taken to date to support the maintenance of this complaint.

Edith H. Jones

EDITH H. JONES, CHIEF JUDGE
FIFTH CIRCUIT COURT OF APPEALS

Date: *August 28, 2007*

Effective May 21, 2007