

JAN 16 2020

FIFTH CIRCUIT

LYLE W. CAYCE, CLERK

**JUDICIAL COUNCIL
FOR THE FIFTH CIRCUIT**

Complaint Number: 05-20-90025

M E M O R A N D U M

Complainant, a pro se litigant, complains that the subject United States District Judge “exhibited immaturity as well as partial attributes when it comes to meting out Justice in his Courtroom . . . fueled by, what it appears to be, a personal vendetta against me, without even meeting me.” In support of these assertions, complainant notes that whereas “[o]ther Judges have granted me [in forma pauperis] status with my same amount of meager income,” the judge denied his motion to proceed in forma pauperis and did so because he “knew I couldn’t afford to appeal the case.” He further protests that in an order denying the defendant’s motion to dismiss for improper service, the judge “unethically advise[d]” the defendant it could file a Rule 12(b) motion “to [e]nact Summary Judgment on me.” Complainant also objects that the judge “ruled that I didn’t have a valid claim based upon the law. He no doubt gave that opinion to get back at me—probably because I strategically corrected him on one of his opinions.”

To the extent that the allegations relate directly to the merits of the judge’s decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegations of bias, retaliation, and personal animus 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 R. Owen
Chief United States Circuit Judge

January 13, 2020