

**JUDICIAL COUNCIL  
FOR THE FIFTH CIRCUIT**

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Complaint Numbers: 05-20-90033 and 05-20-90034

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U. S. COURT OF APPEALS  
**FILED**

FEB 11 2020

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

M E M O R A N D U M

Complainant, a pro se litigant, alleges that in the underlying civil proceeding, “it is obvious” that the subject United States Magistrate Judge was “in on the [defendant’s] fraud from the start.” For example, the magistrate judge allegedly:

- “[o]bstruct[ed] the entry of evidence into the court record by denying my motion to electronic filing”;
- “fail[ed] to enter into the docket my letter to [a county judge] when it was first mailed to the court.” A review of the record shows that the letter at issue—ultimately docketed as an exhibit to complainant’s motion for summary judgment—does not appear to have been captioned for filing in the underlying case, was addressed to a non-party (care of defense counsel), and was mailed to the magistrate judge’s chambers (rather than to the clerk’s office). Complainant presents no evidence that he was prejudiced by the magistrate judge’s purported failure to docket such an irregular “filing”;
- failed “to issue a writ of attachment” prepared by complainant;
- entered a Report that was “harassing and abusive” in tone and made biased and unlawful recommendations; and,
- intentionally failed to serve, or have the clerk serve, complainant with a copy of the Report and Recommendation.

Complainant further complains that despite his clearly identifying the authority for his admiralty claims and “even propos[ing] a Writ of

Attachment and Surety for Costs and Summary Judgment to expedite the process,” the subject United States District Judge erroneously and improperly adopted the magistrate judge’s recommendations, a decision which constitutes “willful support” of the defendant’s illegal conduct.

To the extent that these allegations relate directly to the merits of the judge’s and the magistrate 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 assertions of conspiracy, 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).

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.

This is complainant’s third judicial misconduct complaint to be dismissed as merits-related under 28 U.S.C. § 352(b)(1)(A)(ii), and he has previously been warned against filing further merits-related or frivolous complaints. Complainant’s right to file complaints is hereby **SUSPENDED** pursuant to Rule 10(a), Rules For Judicial-Conduct and Judicial-Disability Proceedings. Complainant may show cause, through a petition for review submitted pursuant to Rule 18, why his right to file further complaints should not be so limited.

An order dismissing the complaint is entered simultaneously herewith.



Priscilla R. Owen  
Chief United States Circuit Judge

February 8, 2020

**FILED**

June 2, 2020

Lyle W. Cayce  
Clerk

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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Nos. 05-20-90033 and 05-20-90034  
Petition for Review by [REDACTED]  
of the Final Order Filed February 11, 2020,  
Dismissing Judicial Misconduct Complaint  
Against [REDACTED] and  
[REDACTED]  
Under the Judicial Improvements Act of 2002.

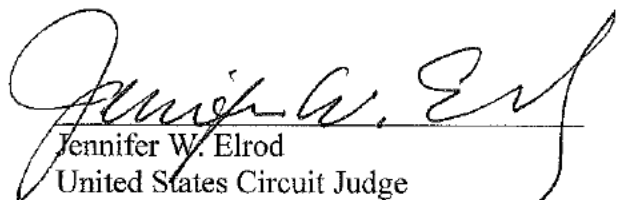
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ORDER

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 R. Owen, filed February 11, 2020, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED IN ALL RESPECTS.**

May 20, 2020  
Date

  
Jennifer W. Elrod  
United States Circuit Judge  
For the Judicial Council of the Fifth Circuit