

FILED

November 10, 2020

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-20-90129 through 05-20-90140

MEMORANDUM

Complainant, a state prisoner, has filed a complaint of misconduct and disability against the twelve subject United States Circuit Judges. He alleges the judges “have either directly or indirectly influenced the outcome of more than 30 cases that I have filed into [sic] the Fifth Circuit over the years, and their actions [and] misconduct . . . border on being a high crime [and] misdemeanor.” Without providing any information in support of the allegations, complainant further asserts that the judges committed “acts of bribery, treason against the Constitution, sexual misconduct,” and he “charge[s] and accuse[s]” them of “judicial disability such as old age, senility, memory lapses, mental retardation, and amnesia.”

In support of these claims, complainant instructs the undersigned to “refer to the 5th Circuit Docket Sheet to obtain the 5th Circuit Case Numbers” and to one of his prior unfiled complaint documents on which he wrote (and then crossed out) a case number that does not correspond to complainant’s appeals in this Court. Contrary to Rule 6(b), Rules for Judicial-Conduct and Judicial-Disability Proceedings, complainant offers no further information “that would help an investigator check the facts.”

To the extent, if any, 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 bribery, sexual misconduct, improper “influence,” and mental disability appear entirely derivative of the merits-related charges, but to the extent the allegations are

separate, they are wholly unsupported, and are 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” or that any of the subject judges are suffering from a mental disability.

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

November 8, 2020