

FILED

April 13, 2021

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-21-90094 and 05-21-90095

MEMORANDUM

Complainant, a state prisoner, alleges that because neither the subject United States District Judge nor the subject United States Magistrate Judge accepted the arguments raised in his 28 U.S.C. § 2254 petition regarding infirmities in his state criminal trial proceeding, they “are either in collusion [with the state court] or mentally incapable of interpreting the Federal Rules of Civil Procedure and precedent case law.”

To the extent that these allegations relate directly to the merits of the decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegations that the judges are either colluding with the state court, or are mentally infirm, 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” or that either judge is mentally infirm.

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

April 11, 2021

FILED

May 12, 2021

Lyle W. Cayce
Clerk

Before the Judicial Council of the Fifth Circuit

No. 05-21-90094 and 05-21-90095

Petition for Review by [REDACTED], of the Final Order filed
April 13, 2021, dismissing the Judicial Misconduct Complaint
against [REDACTED] and
[REDACTED]

Under the Judicial Improvements Act of 2002.

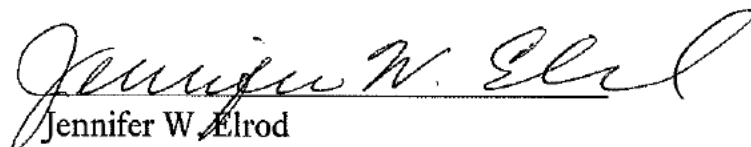
ORDER

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 April 13, 2021, dismissing the Complaint against [REDACTED]

[REDACTED], under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

May 10, 2021
Date


Jennifer W. Elrod

United States Circuit Judge

For the Judicial Council of the Fifth Circuit