

**FILED**

April 13, 2021

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-21-90098

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## MEMORANDUM

Complainant, a former state prisoner, has filed a complaint against the subject United States District Judge who, prior to becoming a federal judge, served with two other judges on a state court which serves multiple counties. Each county has its own courthouse and clerk of court.

Complainant claims that in 2010 he discovered that the person who conducted his 2004 arraignment hearing in the state court was a clerk of court, not a judge. Complainant does not allege that the subject judge, who was then a state judge, authorized the alleged misuse of the clerk in his arraignment proceeding or was aware of any such conduct by a fellow judge. Rather, he contends that when he asked the court clerk of each county for copies of arraignment orders issued over a three-year period by the then-state judge and a fellow state judge, the clerks “disregarded” his requests. Complainant concludes that the “only explanation for these [clerks’] behavior is they are being pressured by [the subject judge] and [the other state judge] to deny me access to Public Records.”

Complainant provides no evidence in support of his claim that the judge is improperly influencing the state court clerks to deny his record requests. Because the allegation is conclusory and wholly unsupported, it is

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.



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Priscilla R. Owen  
Chief United States Circuit Judge

April 11, 2021

Before the Judicial Council  
of the Fifth Circuit

United States Court of Appeals  
Fifth Circuit  
**FILED**  
June 21, 2021  
Lyle W. Cayce  
Clerk

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No. 05-21-90098

Petition for Review by [REDACTED] of the Final Order filed  
April 13, 2021, dismissing the Judicial Misconduct Complaint  
against [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 April 13, 2021,  
dismissing the Complaint against [REDACTED]  
[REDACTED] under the Judicial Improvements Act of  
2002.

The Order is therefore **AFFIRMED**.

June 16, 2021  
Date

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