

FILED

May 12, 2021

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-21-90103

MEMORANDUM

Complainant, an attorney and pro se litigant, has filed a complaint alleging misconduct by the subject United States District Judge in a pending civil proceeding.¹

Complainant complains that the judge denied his motion for reconsideration (construed as a motion to recuse) in which complainant argued that “matters cited in this case refer to” an opinion of this Court finding, among other things, that the district court abused its discretion by imposing discovery restrictions and directing the Chief District Judge to reassign the case. He submits that this Court’s findings prove that the judge “has an unfair bias and predisposition against claimants who seek relief against the [State] and/or its employees” and will therefore be biased in favor of the defendants in the underlying proceeding. Complainant further complains that the judge entered a case management order containing provisions similar to those criticized by this Court.

To the extent 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 anticipatory assertions that the judge will be biased in favor of the defendants, and/or will deny discovery motions,

¹ Although the complaint form also lists a co-plaintiff in the underlying proceeding as a co-complainant, only complainant signed the complaint in accordance with Rule 6(d), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

and/or will be abusive towards the parties are 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.

An order dismissing the complaint is entered simultaneously herewith.

A handwritten signature in cursive script, reading "Priscilla R. Owen".

Priscilla R. Owen
Chief United States Circuit Judge

May 6, 2021