

FILED

May 12, 2021

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-21-90106

MEMORANDUM

Complainant, a state prisoner, notes that in a January 2020 order granting his application to proceed in forma pauperis, the subject United States District Judge ordered that service be withheld pending judicial screening pursuant to 28 U.S.C. § 1915A. Complainant complains that as of April 22, 2021 (the date he signed the instant complaint), no judicial screening had occurred, and he submits that even accounting for “how COVID-19 may have affected the judicial system,” sixteen months delay is “undue and extreme.”¹

Delay in judicial action does not, of itself, constitute judicial misconduct. *See* Rule 3(h)(3)(B) of the Rules For Judicial-Conduct and Judicial-Disability Proceedings. As complainant does not allege improper motive and there is no evidence that the delay is due to a lack of diligence, the complaint is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

An order dismissing the complaint is entered simultaneously herewith.



Priscilla R. Owen

Chief United States Circuit Judge

May 6, 2021

¹ The underlying docket indicates that on April 27, 2021, the judge ordered complainant to provide a more definite statement.