

FILED

January 10, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-21-90148

MEMORANDUM

Complainant, a state prisoner, alleges misconduct by the subject United States Magistrate Judge, presiding by consent, in complainant's 42 U.S.C. § 1983 proceeding alleging use of excessive force and bystander liability against prison officials. Complainant complains that despite telling the magistrate judge that the defendant-officers had falsely claimed that prison cameras did not record the use of force incident, the magistrate judge denied complainant's attorney's requests to have "a specialist and/or United States Marshals recover the video footage and I would have won the civil action based on that video footage."

The complaint relates directly to the merits of the magistrate judge's rulings and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

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

December 28, 2021