

FILED

May 20, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-22-90013

MEMORANDUM

Complainant, a pro se litigant, complains that the subject United States Magistrate Judge is an “interlope[r]” who lacked jurisdiction to enter orders and recommendations in his case and improperly denied his motion for default judgment and motion for a hearing. He further alleges that the magistrate judge violated his Sixth Amendment right to a jury trial by recommending that his lawsuit should be dismissed under 28 U.S.C. §§ 1915A and 1915(e)(2)(B). In addition, he seems to assert that the magistrate judge engaged in a “conspiracy . . . to aid the defendants” and her “office is probably tampering and suppressing my filing[s] . . . Acts of Bias, Races [sic].” Complainant submits that “this is no longer a civil matter” and “the action[s] imposed upon [me] now constitute multiple state and federal crimes.”

To the extent that these allegations relate directly to the merits of rulings or procedural decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). To the extent that complainant alleges that the magistrate judge, to whom preliminary matters were assigned pursuant to 28 U.S.C. § 636(b)(1)(A), lacked jurisdiction to issue non-dispositive orders and recommendations, the allegation is subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii). In other respects, any assertions of conspiracy, record tampering, bias, racism, and criminal conduct 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.”

Complainant is WARNED that should he file a further merits-related, conclusory, or frivolous complaint of judicial misconduct his right to file complaints may be suspended and, unless he is able to show cause why he should not be barred from filing future complaints, the suspension will continue indefinitely. *See* Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.



Priscilla R. Owen
Chief United States Circuit Judge

January 5, 2022