

FILED

November 14, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-22-90091 through 05-22-90093

MEMORANDUM

Complainant, a pro se litigant, alleges misconduct by the subject United States District Judge and two subject United States Magistrate Judges in complainant's employment discrimination proceeding.

Complainant appears to allege that magistrate judges' erroneous and improper recommendations (to consolidate complainant's cases, to order complainant to file a more definite statement of his claims, and to grant the defendant's motion to dismiss), and the district judge's orders adopting those recommendations, ignored the defendant's "direct statements" and "false . . . improper and illegal claims" and demonstrated the subject judges' failure to "accurately and truthfully" review "[my] 100+exhibits . . . which define[d] every aspect of a proper claim." Complainant submits that by "ignoring" the exhibits, "treat[ing] [me] as if the facts and evidence are indecipherable or written in an incomprehensible manner" and "mocking [me] with orders to amend," "accept[ing] the defendant's discriminatory remarks" and "false claims," and finding that complainant had failed to establish his claims of discrimination, the subject judges demonstrated "a pattern" of bias in favor of the defendant.

Complainant concludes that his case was "viewed" or "screened" "prematurely and improperly . . . to save time and resources," and the subject judges' adverse recommendations and rulings "further labeled and

discriminated against me” and “violat[ed] my right to redress my government with direct evidence in support of this claim which removes my right to a jury trial if necessary and upon location of representation.”

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, the conclusory assertions of bias and discrimination appear entirely derivative of the merits-related charge, 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.”

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 Richman
Chief United States Circuit Judge

November 10, 2022