

**FILED**

March 15, 2023

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

---

Complaint Number: 05-22-90126

---

## MEMORANDUM

Complainant, a federal prisoner, has filed a complaint alleging misconduct by the subject United States District Judge in a 28 U.S.C. § 2255 proceeding.

Complainant complains that the judge's failure to enter findings of fact and conclusions of law in denying his Motion for Sanctions constitutes "conduct prejudicial to the effective and expeditious administration of [the] business of the courts" because "[a] court of appeals can do no more than remand the case to the district court for a more focused and thorough review."

The complaint relates directly to the merits of a decision or procedural ruling 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.

/s/ Priscilla Richman

Priscilla Richman

Chief United States Circuit Judge

March 15, 2023