

Judicial Council for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 23, 2023

Lyle W. Cayce
Clerk

Complaint Number: 05-23-90028

MEMORANDUM

Complainant, a pro se litigant, alleges misconduct by the subject United States District Judge in a pending civil proceeding.

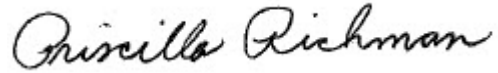
On February 9, 2023, the judge entered an order denying complainant's motion for default judgment, finding that the record showed that complainant had failed to effect proper service on the Defendant.

Complainant complains that the adverse ruling was erroneous. Noting that his motion for default judgment had been pending for six months, and that the adverse ruling was entered on the date that the judge received notice that complainant had filed a misconduct complaint against him, complainant concludes the adverse ruling was also retaliatory.

To the extent that the complaint relates directly to the merits of a decision or procedural ruling, it is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the conclusory assertion of retaliation lacks sufficient evidence to raise an inference that misconduct has occurred and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

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.

A handwritten signature in cursive script that reads "Priscilla Richman".

Priscilla Richman

Chief United States Circuit Judge

August 16, 2023