

FILED

April 5, 2023

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-23-90044

MEMORANDUM

Complainant, a state prisoner, alleges misconduct by the subject United States District Judge in a 42 U.S.C. § 1983 proceeding.

Noting that complainant had not demonstrated that he was in imminent danger of serious physical injury, the judge entered an order dismissing complainant's § 1983 action without prejudice pursuant to 28 U.S.C. § 1915(g). Complainant moved for reconsideration and for leave to amend his § 1983 complaint. In denying the motions, the judge held that complainant had not established a manifest error of law or fact, had not presented any newly discovered evidence, and had failed to state any new facts that would change the court's judgment.

Complainant protests that he did present newly discovered evidence in an exhibit attached to his Motion for Reconsideration, and that the judge's finding to the contrary is a "lie."


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

This is complainant's fourth merits-related complaint regarding the same proceeding, and he has been warned previously against filing further merits-related, conclusory, frivolous, or repetitive complaints.

Complainant's right to file complaints is hereby SUSPENDED pursuant to Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Complainant may show cause, through a petition for review submitted pursuant to Rule 18, why his right to file further complaints should not be so limited.

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

April 5, 2023