

FILED

November 1, 2023

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-23-90050

MEMORANDUM

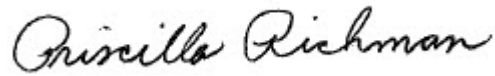
Complainant, a state prisoner, alleges that in denying his 28 U.S.C. § 2254 petition for a writ of habeas corpus, the subject United States District Judge:

- erroneously and/or improperly “denied each and every one of [my] motions” (including motions to appoint counsel, motions for discovery, and a motion for a new trial);
- erroneously and improperly held “that some of the grounds are unexhausted and procedurally barred,” thereby denying complainant’s right to due process;
- “ignored” complainant’s actual innocence and constitutional claims “simply because [they] may or may not have been presented correctly,” thereby improperly “[holding me] to the same standard [as] that of a seasoned attorney”;
- “denied [me] the opportunity to be heard on the constitutional claims” which “is totally a[n] abuse of discretion”;
- “denied [me] the right to appeal [by] refus[ing] to hear newly discovered evidence”; and,
- “did not follow any of the laws set forth by rules or case law, therefore abusing his office and highly prejudicing [me].”

These allegations relate directly to the merits of decisions or procedural rulings and are 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.

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

Priscilla Richman

Chief United States Circuit Judge

October 30, 2023

FILED

January 3, 2024

Lyle W. Cayce
Clerk

Before the Judicial Council of the Fifth Circuit

Complaint Number: 05-23-90050

Petition for Review by [REDACTED] Regarding
Complaint of Misconduct and/or Disability Against

[REDACTED]

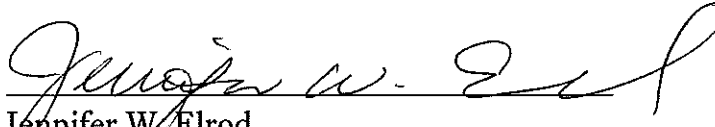
Under the Judicial Improvements Act of 2002, 28 U.S.C. §§ 351-364.

ORDER

An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Chief United States Circuit Judge Priscilla Richman, filed November 1, 2023, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

12/21/2023
Date


Jennifer W. Elrod
United States Circuit Judge
For the Judicial Council of the Fifth Circuit