

FILED

January 3, 2024

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-23-90073

MEMORANDUM

Complainant, a pro se litigant, complains that the subject United States Magistrate Judge erroneously and unfairly denied his motion to appoint counsel. Without presenting any evidence in support of the claim, complainant posits that the judge “has some sort of connections” with the government-defendant or with the Attorney General representing that defendant.

To the extent that this aspect of the complaint relates directly to the merits of the judge’s ruling, it is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertion of implicit bias appears entirely derivative of the merits-related charges, but to the extent the allegation is separate, it is wholly unsupported, and is 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.”


Complainant reports that despite “calling sixteen times throughout two months [and] leaving voice messages” for a clerk’s office employee, he received no response to his request for a status update in his case. He complains that the judge “is lacking her professions [sic] in having her staff respond to Plaintiffs representing themselves.”

Judges do not supervise clerk’s office employees, and this aspect of the complaint is 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 28 U.S.C. § 352(b)(1)(A)(iii).¹

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

December 26, 2023

¹ The Clerk of this Court has notified complainant that, pursuant to Rule 1(b) and Fifth Cir. Procs. 1(a) and (b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, any complaint against district court clerk's office personnel should be made to the Clerk of the relevant United States District Court.