

FILED

May 29, 2025

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-25-90048

IN RE COMPLAINT OF JUDICIAL MISCONDUCT
UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

ORDER AND MEMORANDUM OF REASONS

Complainant, a state prisoner, has filed a complaint alleging misconduct by a United States Magistrate Judge in two civil cases.

Case 1

Complainant alleges that “because [the magistrate judge] knew without a doubt [that] I would be able to win the case in trial, ... the very first thing she did was search my case to see if she could find a reason to [dismiss it].”

The allegation 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.

Case 2

Complainant alleges that the magistrate judge “has treated me in a very discriminatory manner, with straight up Judicial Bias, and being very Prejudice[d] towards me and my case” and “has done everything within her Judicial Authority to dismiss my case.” In support of these claims, Complainant submits that the magistrate judge:

- initially denied his IFP application, erroneously “stating that I didn’t prove I was in imm[i]nent danger of more assaults”;
- “ignored all letters to her and motions sent to her by me” seeking a protective order and “tried her best to excuse that I wasn’t in imm[i]nent danger of more assaults”;
- “for over 6 months she refused to properly screen my complaint for merits to proceed, instead she ordered me to submit repeatedly Inmate Trust Fund Data Sheets”;
- “ordered me twice to prepare another 1983 form to Amend my complaint to her personal liking”;
- did not respond to Complainant’s letter asking her to recuse herself, and then improperly “intercepted” his recusal motion addressed to the presiding district judge and denied the motion; and,
- recommended that the court should dismiss his claims against two defendants.

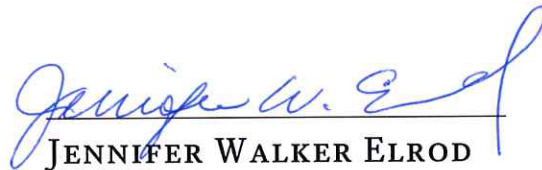
Without presenting any evidence in support of the assertion, Complainant appears to further allege that the magistrate judge’s adverse rulings and recommendations were discriminatory because the magistrate judge is aware that he was found guilty of two counts of online solicitation of a minor.

To the extent that these allegations relate directly to the merits of decisions or procedural rulings, they are also subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

To the extent that Complainant alleges that the magistrate judge intentionally delayed screening his 42 U.S.C. § 1983 complaint and ruling on his motions, the conclusory assertion of improper motive is 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.” *See* Rule 4(b)(2) of the Rules For Judicial-Conduct and Judicial-Disability Proceedings.

The conclusory assertions of discrimination, bias, and prejudice are also subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

An order dismissing the complaint is entered simultaneously herewith.


JENNIFER WALKER ELROD
Chief Judge

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Clerk

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UNDER THE JUDICIAL IMPROVEMENTS ACT OF 2002.

The order is therefore **AFFIRMED**.

Catharina Haynes
United States Circuit Judge
For the Judicial Council of the Fifth Circuit