

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED
OCT 31 2017
FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Complaint Number: 05-16-90118

REVISED MEMORANDUM

The memorandum entered December 19, 2016 dismissing the above-referenced judicial misconduct complaint is vacated, and is replaced by this revised memorandum.

Attorney-complainant has filed a judicial misconduct complaint against the subject United States District Judge who ruled that complainant and his client were in contempt of court for violating an injunction. A review of the transcripts of the show cause hearings shows that the judge expressed great frustration and outright annoyance with the conduct of complainant's client, and with complainant's position that his client's conduct was a legitimate exercise of First Amendment rights rather than a violation of the court's injunction.

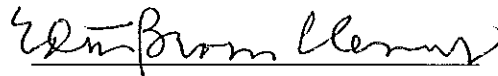
Noting that the show cause order was not directed to him, and that he was not subject to the underlying injunction, complainant complains that the judge denied his due process rights and violated the Code of Conduct for United States Judges by "being in absolute, intentional disregard of the law and basic fundamental rights of litigants and counsel appearing before her," and by having an attorney "arrested, shackled, and taken to federal prison ... for taking legitimate legal positions." Complainant submits that the judge's treatment of him was "demonstrably egregious and hostile" and "clearly and convincingly reflects bad faith, bias, and abuse of authority."

Complainant has disclaimed any intent to contest the merits of the judge's ruling.

In other respects, I have communicated with the judge concerning the issues raised in this complaint, and I find that appropriate corrective action has been taken such that a situation like this is unlikely to recur.

Under 28 U.S.C. § 352(b)(2), the proceeding may be concluded if appropriate corrective action has been taken or action on the complaint is no longer necessary because of intervening events. I find that this proceeding should be concluded under this subsection.

An order concluding the complaint is entered simultaneously herewith.



Edith Brown Clement
Circuit Judge

October 30, 2017