

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

OCT 17 2017

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Docket Number: 05-17-90067

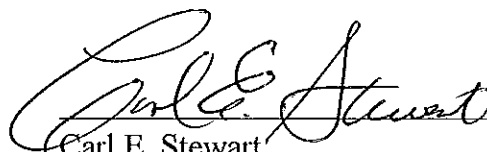
MEMORANDUM

Complainant, a private citizen, alleges that under Canon 4(E) of the Code of Conduct for United States Judges, the subject United States Magistrate Judge was “prohibited from obtaining a power of attorney from [a United States District Judge].”¹ He further asserts that the magistrate judge used the power of attorney to “fil[e] suit to interdict” the district judge.

A limited inquiry conducted under 28 U.S.C. § 352(a) shows that the powers of attorney were revoked on March 18, 2017, and the magistrate judge dismissed the interdiction suit on July 25, 2017.

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.

The proceeding is concluded and an order dismissing the complaint is entered simultaneously herewith.


Carl E. Stewart
Chief Judge

, 2017

¹ Canon 4(E) provides:

(E) *Fiduciary Activities*. A judge may serve as the executor, administrator, trustee, guardian, or other fiduciary only for the estate, trust, or person of a member of the judge’s family as defined in Canon 4D(4).