

NOV 22 2019

THE JUDICIAL COUNCIL OF THE FIFTH CIRCUIT
FIFTH CIRCUIT
LYLE W. GAYCE, CLERK

Before: OWEN, Chief Judge, JONES, SMITH, HAYNES, GRAVES,
HIGGINSON, WILLETT, HO, DUNCAN, BARBIER, DICK,
FOOTE, BROWN, OZERDEN, GODBEY, ROSENTHAL,
GILSTRAP, and MARTINEZ

COMPLAINT NO. 05-18-90035

MEMORANDUM OF REASONS

Complainant, a pro se litigant, filed a complaint of judicial misconduct against the subject United States District Judge under Rule 6, Rules for Judicial-Conduct and Judicial-Disability Proceedings (“Rules”). Complainant alleged that the judge exhibited racial bias against him. Then-Chief Judge Carl E. Stewart referred the complaint to a Special Committee for investigation and recommendations to the Judicial Council pursuant to Rules 11(a)(4) and (f).

The Special Committee conducted an investigation consisting of review of the complaint, the judge’s response, and the complete transcripts of hearings in the lawsuit. After investigation, the Special Committee submitted its report to the Judicial Council. The Special Committee determined that Complainant’s allegations were directly related to the judge’s rulings in Complainant’s lawsuit, and found no other evidence that the judge exhibited racial bias toward Complainant. The Special Committee recommended that the Judicial Council dismiss the complaint under 28 U.S.C. § 352(b)(1)(A)(ii) and Rule 20(b)(1)(A)(ii). The Judicial Council accepts this recommendation. An order dismissing the complaint is entered simultaneously herewith.

For the Council:

Date: November 18, 2019


Chief United States Circuit Judge