

FILED

April 13, 2021

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-21-90093

MEMORANDUM

Complainant, a pro se litigant, alleges misconduct by the subject United States Magistrate Judge in a pending civil proceeding.

Complainant recounts that he “formally noticed” the clerk and the court regarding “my status, my standing, my common law copyright of [my] name . . . (and all derivatives thereof), my proper address, [and] that all communication with me needed to be signed with a wet ink signature ‘under penalty and perjury’.” He complains that despite notifying the magistrate judge that failure to comply with these instructions would “constitute mail fraud,” “it took 4 months and 3+ notices for the court to properly address their documentation to me.” Complainant further protests that, contrary to his explicit instructions, the document he received “had no wet ink signature and contained wording threatening to dismiss the case because of a said ‘deficiency’ despite letters already in the court addressing said ‘deficiency’.”

A review of the record shows that the district court clerk’s office issued and mailed the deficiency notice regarding complainant’s incomplete (or irregular) address and his failure to either pay the full filing fee or file an application to proceed in forma pauperis. The allegation that the magistrate judge is responsible for any clerical errors or “mail fraud” associated with

that notification procedure is subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant also complains that the magistrate judge “required my participation in a green screen Kangaroo” show cause hearing during which she: “proceeded to ignore any and all notices entered into the court record”; “continued to bestow the lesser title of ‘Mr.’ on me despite being noticed and asked several times to cease such title”; and “continued to assault me with codes and statutes completely ignoring all court documents and notices.” He further objects that despite notifying the court “that I require an Article III judge to conduct my affairs,” the hearing was conducted by “a clerk masquerading as a judge.” In addition, complainant complains that the magistrate judge has ignored his notice demanding that she provide “a certified copy of her oath of office.”

To the extent that these allegations relate directly to the merits of decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegations are either patently frivolous or lack sufficient evidence to raise an inference that misconduct has occurred and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

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 R. Owen
Chief United States Circuit Judge

April 11, 2021