

FILED

January 10, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-21-90158

MEMORANDUM

Complainant, a state prisoner, has filed a complaint alleging misconduct by the subject United States District Judge in complainant's 42 U.S.C. § 1983 proceeding, Case X.

Complainant, who filed three 42 U.S.C. § 1983 actions within fifteen days in the same district court, claims that he signed a single form consenting to proceed before a magistrate judge in Case Y. He protests that because "[t]here is no consent form in existence" for Case X, the judge was "forbidden to decide" that his claims should be dismissed. However, contrary to complainant's claims, the dockets in all three cases record that he returned signed forms consenting to proceed before a magistrate judge.¹

Regardless, even if complainant had not signed a consent form in Case X, the judge did not transfer the matter to a magistrate judge to conduct all further proceedings and, as an Article III Judge, the judge had jurisdiction to enter a dispositive ruling.

Complainant further alleges that in dismissing his civil action without "a fair trial," the judge abused her discretion, violated his due process rights, and "threatened [his] safety and security."

¹ Signed consent forms docketed on December 4, 2020 in Case X, on November 2, 2020 in Case Y, and on October 27, 2020 in Case Z.

The complaint relates directly to the merits of decisions or procedural rulings 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.

An order dismissing the complaint is entered simultaneously herewith.



Priscilla R. Owen
Chief United States Circuit Judge

January 4, 2022