

# Judicial Council for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

January 10, 2022

Lyle W. Cayce  
Clerk

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Complaint Number: 05-22-90029

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## MEMORANDUM

Complainant, a pro se litigant, has filed a complaint alleging misconduct by the subject United States District Judge in complainant's civil rights proceeding.

Complainant alleges that the judge "violated [my] constitutional rights by denying [me] the right to a Notice of Appeal, denying [me] the right to change of venue, denying [me] the right to transfer [my] case from state to federal court on the grounds of diversity and violation of constitutional rights," and "by erroneously labeling [me] as a frequent filer of frivolous lawsuits" and "threaten[ing] me with possible sanctions." She further asserts that the judge's erroneous decisions constitute evidence of "a disability in the accurate research and review of cases" and "review of court information."

To the extent that these allegations relate directly to the merits of rulings and procedural decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertion of disability appears entirely derivative of the merits-related charges, but to the extent the allegation is separate, it is wholly unsupported, and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as "lacking sufficient evidence to raise an inference that [the judge is suffering from a disability]."

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.



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Priscilla R. Owen  
Chief United States Circuit Judge

January 5, 2022

**FILED**

March 4, 2022

Lyle W. Cayce  
Clerk

# Before the Judicial Council of the Fifth Circuit

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Complaint Number: 05-22-90029

Petition for Review by [REDACTED]  
of the Final Order Filed January 10, 2022,  
dismissing the Judicial Misconduct Complaint against  
[REDACTED]  
[REDACTED]

Under the Judicial Improvements Act of 2002.

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## ORDER

An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Chief Judge Priscilla R. Owen, filed January 10, 2022, dismissing the Complaint of [REDACTED] against [REDACTED] [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

March 2, 2022  
Date

Jennifer W. Elrod  
Jennifer W. Elrod  
United States Circuit Judge  
For the Judicial Council of the Fifth Circuit