

FILED

May 20, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-22-90049

MEMORANDUM

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

Noting that complainant had previously accrued three strikes for the purposes of 28 U.S.C. § 1915(g) and had not demonstrated that he was in imminent danger of serious physical injury, the judge denied his application to proceed in forma pauperis and dismissed the case without prejudice.

Complainant alleges that the judge “is part of a criminal cover-up for [a State governor] in 2012 and the continued Republican Party cover-ups for corporate crimes, constitutional rights violations, taking bribes to cover-up corporate crimes. In this case he covers-up for a co-conspirator, [i.e., the defendant in complainant’s 42 U.S.C. § 1983 proceeding]. This is unethical, unconstitutional and illegal.”

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, any assertions of conspiracy and bribery appear entirely derivative of the merits-related charges, but to the extent the allegations are separate, they are wholly unsupported, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as “lacking sufficient evidence to raise an inference that misconduct has occurred.”

An order dismissing the complaint is entered simultaneously herewith.

/s/ Priscilla Richman
Priscilla Richman
Chief United States Circuit Judge

May 18, 2022