

**FILED**

May 20, 2022

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

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Complaint Number: 05-22-90050

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## MEMORANDUM

Complainant, a bankruptcy debtor, complains that during a May 2021 hearing, the subject United States Bankruptcy Judge treated him disrespectfully “and show[ed] bias toward[s] me,” “pretty much said I was lying,” “shouted loudly for me to sit down & don’t get up until he tell me to do so,” and “yelled I wasn’t going to come in his courtroom to do as I pleased.” He further complains that in enjoining him from filing another bankruptcy petition in the [relevant district] for 180 days, the judge said, “If you want to file another bankrupt[cy] case find another State to do it in, because it won’t be done in his District as long as he was judge.”

The judge has been advised of the issues raised in this complaint. Pursuant to 28 U.S.C. § 352(b)(2) and Rule 11(d)(2) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, I find that the judge has taken appropriate voluntary corrective action that acknowledges and remedies the problems raised by the allegations about his demeanor and temperament.

This aspect of the complaint is therefore CONCLUDED.

Complainant also complains that the judge demonstrated bias in dismissing the case and imposing the 180-day filing injunction. Complainant asks that those rulings be overturned.

To the extent that this aspect of the complaint relates directly to the merits of decisions or procedural rulings, it is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the conclusory allegation of bias is insufficient to support a finding of judicial misconduct and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

As to complainant's request that the judge's rulings be overturned, judicial misconduct complaint 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.

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

May 18, 2022