

FILED

June 9, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Numbers: 05-22-90061 and 05-22-90062

MEMORANDUM

Complainant, a state prisoner, alleges misconduct by the subject United States District Judge and the subject United States Magistrate Judge in a pending 42 U.S.C. § 1983 proceeding.

Complainant alleges that adverse rulings demonstrate that the judge and the magistrate judge are:

- “deliberately ignoring . . . [and] violating the full jurisdiction that I put forth”;
- “conspiring to obstruct justice for very serious human and civil rights violations along with hundreds of actual felony and misdemeanor crimes”;
- “helping the Defendants evade service for summons and also helping them evade justice unlawfully”;
- “deliberately discriminating against me and my disabilities under the Americans with Disabilities Act, along with other incarcerated persons [with disabilities]”; and,
- “literally trying to unlawfully obstruct justice and relief that I am trying to reach and obtain.”

Complainant further asserts that despite having “full knowledge” that he has “been unlawfully subject to continuous serious retaliation and harassment from the Defendants and their Affiliates,” the judge and the magistrate judge “deliberately ignored” that he sought injunctive relief in his Memorandum of Law “and then finally denied it months later.”

Complainant concludes that the judge and the magistrate judge “are very clearly disregarding true justice” and “have put my Life, Liberty, Property, and Prosperity all in very serious danger on purpose with their complete disregard for my Human and Civil Rights, including my Victim’s Rights, in favor of the Defendants and their Affiliates who seem to be their friends or allies according to their deliberate adverse actions against me.”

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 bias, conspiracy, discrimination, intentional delay, and obstruction of justice 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.”

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.

/s/ Priscilla Richman

Priscilla Richman

Chief United States Circuit Judge

June 7, 2022

**Before the Judicial Council
of the Fifth Circuit**

United States Court of Appeals
Fifth Circuit
FILED
July 13, 2022
Lyle W. Cayce
Clerk

Complaint Numbers: 05-22-90061 and 05-22-90062

Petition for Review by [REDACTED]
of the Final Order Filed June 9, 2022,
dismissing the Judicial Misconduct Complaint against
[REDACTED]
and [REDACTED]

Under the Judicial Improvements Act of 2002.

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 Richman, filed June 9, 2022, dismissing the Complaint of [REDACTED] against [REDACTED] and [REDACTED] [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

July 6, 2022
Date

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