

FILED

June 9, 2022

Lyle W. Cayce
Clerk

Judicial Council for the Fifth Circuit

Complaint Number: 05-22-90073

MEMORANDUM

Complainant, a state prisoner, complains that the subject United States District Judge misconstrued his claims as 42 U.S.C. § 1983 claims in two civil proceedings and “charged me \$350.00 [filing fees].” Complainant alleges that these decisions constitute evidence of “misuse of judicial authority,” “judicial bias,” “discrimination,” and “racial misconduct” in “retaliation” for his “filing against white [defendants].”

To the extent that the 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 retaliation, bias, discrimination, and racial animus 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.”

Complainant also complains that he did not receive a 42 U.S.C. § 1983 form with a court order, and that he received court mail containing correspondence about someone else’s pending case, and he attributes these clerical errors to “misconduct” by the judge.

Clerk’s office personnel, not judicial officers, are responsible for mailing court documents and the allegation is therefore subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii).

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