

**FILED**

November 14, 2022

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

---

Complaint Numbers: 05-22-90097 and 05-22-90098

---

## MEMORANDUM

Complainant, a federal prisoner, alleges misconduct by the subject United States District Judge and the subject United States Magistrate Judge in complainant's criminal proceeding.

### *Allegations against Magistrate Judge*

Complainant complains that during an initial appearance proceeding, the magistrate judge failed to immediately continue the matter "to allow [me] [my] right to counsel," "began issuing conditions of release that put a restraint on [my] freedom and liberty," "ordered [me] to electronic monitoring conditions . . . without any particularized findings that warranted it in this case," and "released [me] in the middle of setting conditions of release."

Complainant further complains that instead of the GPS monitor being installed immediately after the conclusion of the initial appearance proceeding, "[I] was supposed to return 24 hours after being released to have the GPS monitor installed and when [I] did not return, [the magistrate judge] issued a warrant for [my] arrest. . . . [I] did not know what a GPS monitor was. Therefore, [I] could not possibly be held responsible for [the magistrate judge's] negligence." Complainant protests because the arrest warrant was executed on the day before a scheduled meeting a Pretrial Services Officer, "I was in jail and unable to attend . . . [my] scheduled meeting. This appears

to be a set-up.” She also accuses the magistrate judge of “purposely [giving me] the wrong time to meet with the Pretrial Services Officer.”

Complainant claims that during a revocation proceeding, the magistrate judge’s “mind was set on reversing [my] bond for circumstances created from [her] own negligence.” She accuses the magistrate judge of “coerc[ing] [me] to agree to all conditions of release that were set when counsel was not present, including wearing a GPS monitor on [my] injured legs and ankles, plead to some or all charges, and allow the Government an extension of time to indict to avoid violation of the Speedy Trial Act, if [I] wanted to be released . . . from the detention that resulted from [the magistrate judge’s] negligence.” Complainant also complains that despite notifying the court that “[I] suffered pain and medical issues from the GPS monitor . . . installed to [sic] [my] injured legs and ankles,” the magistrate judge denied her motion to modify the conditions of release.

In addition, complainant complains that during a second revocation proceeding, the magistrate judge “did not allow [me] an opportunity to testify, present witnesses or evidence,” “muted [my] mic,” and “revoked my bond . . . without a showing of flight risk or danger to society.”<sup>1</sup>

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 conclusory assertions of prejudicial and improper conduct 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.”

---

<sup>1</sup> A review of the record indicates that when complainant interrupted a prosecution witness’s testimony regarding complainant’s non-compliance with GPS monitoring provisions, the magistrate judge muted complainant’s microphone.

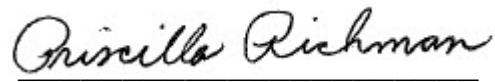
*Allegations against District Judge*

Complainant complains that the judge “signed a petition for action on pretrial release which issued a warrant for [my] false arrest.” She further complains that the judge affirmed the magistrate judge’s decision “to detain [me] without showing of flight risk or danger to society.” Complainant also complains that despite “explain[ing] all the difficulties that [I] had been having with counsel” during a hearing on her Motion to Disqualify Counsel, the judge “refused to terminate counsel or allow [me] an opportunity to [sic] effective assistance of counsel.”

The allegations relate directly to merits of decisions or procedural rulings and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

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.



---

Priscilla Richman  
Chief United States Circuit Judge

November 10, 2022

**FILED**

February 8, 2023

Lyle W. Cayce  
Clerk

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

---

Complaint Numbers: 05-22-90097 and 05-22-90098

Petition for Review by [REDACTED] regarding  
Complaint of Misconduct and/or Disability Against

[REDACTED]

Under the Judicial Improvements Act of 2002, 28 U.S.C. §§ 351-364.

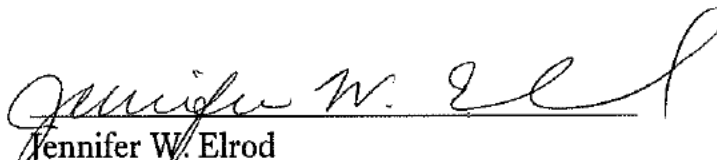
---

**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 United States Circuit Judge Priscilla Richman, filed November 14, 2022, dismissing the Complaint of [REDACTED] against [REDACTED] [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore **AFFIRMED**.

Feb. 3, 2023  
Date

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