

Judicial Council for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 5, 2023

Lyle W. Cayce
Clerk

Complaint Number: 05-23-90012

MEMORANDUM

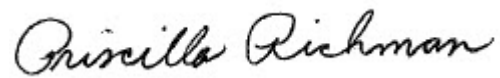
Complainant, a pro se litigant and former federal prisoner, alleges that the subject United States Magistrate Judge:

- Issued a “superfluous” order “directing [me] to amend [my] complaint to clarify whether [I] was filing a Federal Tort Claims Act complaint or a *Bivens* action”; and,
- Issued a “Memorandum Order literally changing the facts of [my] FTCA complaint against officers . . . by adding that [I] had filed a claim for assault which had to fail because of the de [minimis] rule. Consequently, [the magistrate judge] also denied [my] FTCA claim by erroneously finding that [I] had not properly included a verification to [my] complaint at the onset of the proceedings”

The complaint relates directly to the merits of decisions or procedural rulings and is 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.

A handwritten signature in cursive script that reads "Priscilla Richman".

Priscilla Richman

Chief United States Circuit Judge

April 3, 2023