

**FILED**

December 17, 2024

Lyle W. Cayce  
Clerk

# Judicial Council for the Fifth Circuit

---

Complaint Numbers: 05-25-90008 through 05-25-90012

---

## MEMORANDUM

Complainant, a pro se litigant, has filed a complaint alleging misconduct by the subject United States Magistrate Judge in Case 1, by the three United States Circuit Judges in a related appeal, and by the subject United States District Judge and the magistrate judge in Case 2.

Complainant complains that the subject magistrate judge “imposed over \$3000 in sanctions against [me] for doing discovery.” A review of the dockets in complainant’s district court cases suggests that he is complaining that, in Case 1, the magistrate judge granted the Defendant’s application for fees as sanctions under FED R. CIV P. 37(a)(5)(B).

The allegation relates directly to the merits of a decision or procedural ruling and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

In Case 1, the presiding United States District Judge granted the Defendant’s motion for summary judgment and dismissed the case with prejudice. On appeal, the three subject circuit judges affirmed the district court’s judgment. Complainant alleges that the circuit judges thereby “aided and abetted the ... travesty of justice” perpetrated by the district court “by ignoring all the evidence, wrongly denying every [sic] appeal filed by [me].”

Complainant further protests that the circuit judges’ ruling contained “disparag[ing] and ad hominem attacks against [me],” i.e., the ruling summarized Complainant’s extensive litigation history, described him as “a

prolific pro se litigant,” and characterized his appellate brief as “rambling and conclusory.” Complainant submits that these negative statements demonstrate that the circuit judges “are inherently hostile against pro se litigants, and especially against [me], and corrupted to their soul [sic].”

To the extent that these allegations relate directly to the merits of a decision or procedural ruling, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertions of “inherent hostility” towards Complainant specifically, or against pro se litigants generally, 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.”

Regarding Case 2, Complainant alleges that the subject district judge and magistrate judge “ignored all the evidence, denied every motion, and dismissed every claim that [I] filed against [the Defendant], while granting everything that [the Defendant] asked for.” He further complains that the district judge denied his recusal motion and “biasedly dismissed [my] lawsuit.”

Complainant also asserts that the district judge and magistrate judge “demeaned and denigrated [me] every step of the way.” In support of this claim, Complainant notes that in an order denying his recusal motion, the district judge remarked that the motion was a litigation tactic Complainant had employed routinely and she quoted an excerpt from the subject circuit judges’ (allegedly disparaging) summary of Complainant’s extensive litigation history. Complaint notes further that the magistrate judge issued a ruling in which he stated that Complainant had filed multiple pro se lawsuits against the same Defendant.

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 that the judges’ statements about Complainant’s litigation history were intentionally

denigrating 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.”

In addition, Complainant claims that the district judge and magistrate judge “coerced the security services” at the district courthouse “to harass and threaten [me] every time [I] enter the court’s building (extra bag checks, body checks, etc.).” In support of this claim, Complainant recounts that in April 2023, “a group of U.S. Marshals ... followed [me] around the court’s building and warned [me] that if [I] will protest said abuses of power in front of [the district judge’s and magistrate judge’s] residences, [I] will be arrested.”

Even assuming the United States Marshals said and did the things that Complainant alleges, the conclusory assertion that the judges “coerced” or directed them to do so is 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>

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/ Carl E. Stewart  
Carl E. Stewart  
United States Circuit Judge

December 16, 2024

---

<sup>1</sup> Although Complainant’s claim is unsupported, I note that it would not be improper for a judge who perceived that a litigant might pose a security threat to alert the United States Marshals.