

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

JAN 08 2016

Docket Number: 05-15-90126

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

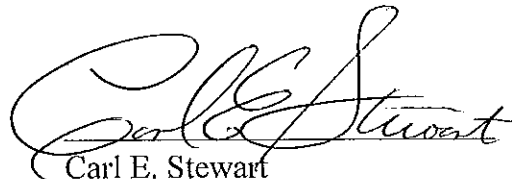
MEMORANDUM

Complainant, a federal prisoner, alleges that the subject United States District Judge “demonstrated a temporary mental disability” during a sentencing hearing. In support of this claim, complainant quotes a portion of the hearing in which the judge addressed whether the court would impose a fine. A review of the transcript shows that the judge initially stated that the court would not impose a fine, but immediately corrected the misstatement. Complainant contends that “this confusion verbalized by an experienced Federal Judge is inexcusable.”

Complainant complains further that the judge falsely and prejudicially stated in an order that the Presentence Report included an expert’s conclusions regarding the implausibility of aspects of the complainant’s defense. “This information ... does not exist anywhere in the Presentence Report (PSR) or any report I have ever seen.” Contrary to these claims, the record shows that the information regarding the expert and his conclusions is set out in paragraphs 11 and 18 of the Presentence Report.

The allegations are patently frivolous and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

An order dismissing the complaint is entered simultaneously herewith.


Carl E. Stewart
Chief Judge

December 31
September 21, 2015