

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

JAN 08 2016

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Docket Number: 05-15-90127

MEMORANDUM

Complainant, an attorney, complains that the subject United States District Judge “had before him a factually sufficient Motion to Disqualify himself” but “refused to assign the Motion to Disqualify to another judge in violation of 28 U.S.C. § 144.” He further asserts that the judge denied the motion with the knowledge that complainant’s client “must wait until this case ends to appeal his order.” Complainant concludes that the judge’s denial of the motion “evidences a total disregard for the process used to disqualify him and again evidences ‘bias’ against me both as a litigant and lawyer.”

The allegations relate directly to the merits of the judge’s decision, and are therefore subject to dismissal as merits-related 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.



Carl E. Stewart
Chief Judge

September 4, 2015