

IN THE UNITED STATES COURT OF APPEALS **U. S. COURT OF APPEALS**  
FOR THE FIFTH CIRCUIT **FILED**

**JAN 11 2016**

**FIFTH CIRCUIT**  
**LYLE W. CAYCE, CLERK**

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Docket Number: 05-16-90022 and 05-16-90023

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MEMORANDUM

Complainant, a *pro se* litigant, has filed a judicial misconduct complaint against the subject United States District Judge and the subject United States Magistrate Judge. Complainant lists various issues raised in motions filed in his civil rights proceeding, and appears to complain that the judge denied the motions without addressing his claims. He further asserts that he was improperly barred from calling the district court clerk's office, he was not advised where to find forms on the court's website, and that the judge and the magistrate judge were biased against him because he is poor.

To the extent that the allegations relate directly to the merits of the judge's and the magistrate judge's decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such a conclusory assertion of bias is insufficient to support a finding of judicial misconduct and is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

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.

This is complainant's third merits-related and/or frivolous judicial misconduct complaint in less than two months regarding the same proceeding. Complainant is WARNED that should he file a further merits-related or frivolous complaint, his right to

file complaints may be suspended and, unless he is able to show cause why he should not be barred from filing future complaints, the suspension will continue indefinitely. See Rule 10(a), Rules For Judicial-Conduct or Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.



Carl E. Stewart

Chief Judge

December 31, 2015