

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Docket Number: 05-16-90025

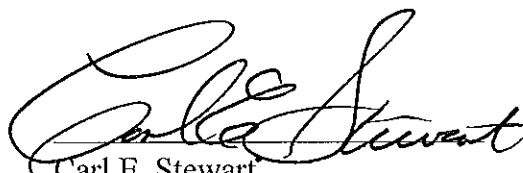
MEMORANDUM

Complainant, a state detainee, complains that the subject United States District Judge erroneously dismissed his civil rights action alleging violations of his right to a speedy trial. He complains further that the dismissal order “don’t mention nothing about getting in contact with” the clerk of the state district court. Without presenting any evidence in support of the claim, complainant posits that his matter was dismissed because the judge and the state judge “are two Hispanic friends who play golf together after court sessions and I’m just a Broke Black Man and they don’t give a dam[n] about me or nobody else like me.”

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

An order dismissing the complaint is entered simultaneously herewith.


Carl E. Stewart
Chief Judge

December 31, 2015