

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Complaint Number: 05-16-90068

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MEMORANDUM

Complainant, a *pro se* litigant, complains that in orders denying his motions to proceed *in forma pauperis*, the subject United States District Judge determined that his lawsuits were frivolous, “but provides no evidence that the pleadings are frivolous ... the Court have [sic] failed to cite any case law or federal laws, or even state laws that would support such a ridiculous accusation.” He further protests that the judge erroneously cited several of his prior lawsuits as grounds for finding his further lawsuits frivolous, and he concludes that the judge “filed a frivolous order to dismiss [my] suit[s] on account apparently [of my] race, black.”

To the extent that 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 racial animus are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

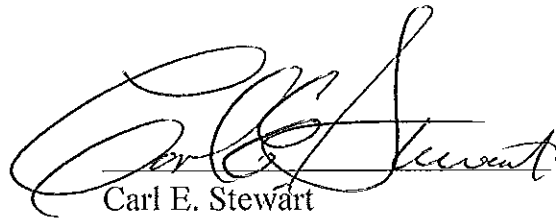
Complainant also alleges that the judge “took a lot of time to determine if [my] IFP was in order”, and surmises that the delay was “probably” due to her “conspiring” with a fellow “racist” judge.

A review of the docket shows that the judge ruled on both motions nineteen days after they were filed. A delay of nineteen days in rendering a decision is not evidence of judicial misconduct. See Rule 3(h)(3)(B) of the Rules For Judicial-Conduct and Judicial-Disability Proceedings. In other respects, such a conclusory assertion of conspiracy is

insufficient to support a finding of judicial misconduct. These allegations are therefore also 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.

A handwritten signature in cursive script, appearing to read "Carl E. Stewart".

Carl E. Stewart  
Chief Judge

April 5, 2016