

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Docket Numbers: 05-16-90092 through 05-16-90094

U. S. COURT OF APPEALS

FILED

JUN 13 2016

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

MEMORANDUM

Complainant, a pro se litigant and a former state prisoner, has filed a judicial misconduct complaint against the subject United States Circuit Judge and the two subject United States District Judges. The complaint appears to be aimed at the circuit judge's dismissals of complainant's July 2015 judicial misconduct complaint against District Judge A (dismissed as merits-related pursuant to 28 U.S.C. § 352(b)(1)(A)(ii)) and complainant's November 2015 judicial misconduct complaint against District Judge B (dismissed as merits-related under 28 U.S.C. § 352(b)(1)(A)(ii) and as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii)).

Complainant requests that his complaint be transmitted to United States Chief Justice John G. Roberts Jr. "for corrective action." Rule 26 of the Rules for Judicial-Conduct and Judicial-Disability provides that "in exceptional circumstances" the Chief Judge or the judicial council may ask the Chief Justice to transfer a judicial misconduct complaint to another judicial council. For example, "exceptional circumstances" include:

- a serious complaint where there are multiple disqualifications among the original judicial council,
- where the issues are highly visible and a local disposition may weaken public confidence in the process,
- where internal tensions arising in the council as a result of the complaint render disposition by a less involved council appropriate,
- or where a complaint calls into questions policies or governance of the home court of appeal.

The instant complaint give rise to no such "exceptional circumstances", and the request to transfer the complaint is denied.

Based on information gleaned from the Internet about allegedly improper conduct by administrative law judges of the Equal Employment and Opportunity Commission, complainant states that he “finally understand[s]” that the subject judges are “corrupt”, and are “told” by the federal government “to oppress the poor, to dismiss EVERYTHING as frivolous”. He alleges that the circuit judge “lied” and was “protecting other corrupt judges” in finding that some of complainant’s allegations against District Judge B were frivolous. Complainant concludes that the subject judges “are not really Americans but from some enemy country and got in office.”

In a supplemental complaint laced with expletives, complainant contends that the circuit judge “works for ... rich and powerful Jews.”

To the extent that the allegations relate directly to the merits of the judges’ decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegations are patently frivolous, 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.

This is complainant’s third merits-related and/or frivolous complaint in less than twelve months, and he has been warned previously against filing further merits-related or frivolous complaints. Complainant’s right to file complaints is hereby **SUSPENDED** pursuant to Rule 10(a), Rules For Judicial-Conduct or Judicial-Disability Proceedings. Complainant may show cause, through a petition for review submitted pursuant to Rule 18, why his right to file further complaints should not be so limited.

An order dismissing the complaint is entered simultaneously herewith.



E. Grady Jolly
Circuit Judge

9 June, 2016