

JAN 11 2017

FIFTH CIRCUIT
LYLE W. GAYCE, CLERKIN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Complaint Number: 05-17-90008

M E M O R A N D U M

Complainant, a *pro se* litigant, complains that the subject United States District Judge failed to notify him of the dismissal of two lawsuits, thereby “rais[ing] speculation of fraud and deception immensely in ... these matters.”

A review of the dockets indicates that those cases were not assigned to the subject judge, and the allegations are therefore subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii).


Complainant appears to further allege that the judge’s August 2016 order stating that a case before him was closed in March 2016 also “raised speculation of fraud and deception immensely in [that] matter.” In addition, complainant asserts that the judge deliberately “ignored” a letter he filed in September 2016 responding to the order.

To the extent that these allegations are repetitive of allegations made and dismissed in complainant’s prior complaint against a United States Magistrate Judge, they are subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii). To the extent, if any, 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, a delay of less than two months in ruling on a letter filed in a closed case is not evidence of judicial misconduct, and the allegation is therefore also subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii). See Rule 3(h)(3)(B) of the Rules For Judicial-Conduct and Judicial-Disability Proceedings.

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.

January 17, 2017


Carl E. Stewart
Chief Judge

U. S. COURT OF APPEALS
FILED

MAR 23 2017

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-17-90008

Petition for Review by [REDACTED]
of the Final Order Filed January 11, 2017
Dismissing Judicial Misconduct Complaint Against
[REDACTED]

Under the Judicial Improvements Act of 2002.

ORDER

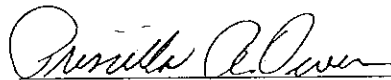
An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Chief Judge Stewart, filed January 11, 2017, dismissing the Complaint of [REDACTED] against [REDACTED], under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

Date

3-20-2017



Priscilla R. Owen
United States Circuit Judge
For the Judicial Council of the Fifth Circuit