

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS  
**FILED**

JAN 04 2017

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

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Complaint Numbers: 05-17-90030 and 05-17-90031

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MEMORANDUM

Complainant, a *pro se* litigant, complains that the subject United States District Judge's order referring pretrial matters to the subject United States Magistrate Judge begins "At the request of the Bar, the [Division's] District Judges have implemented a procedure [for assigning Magistrate Judges]." Complainant asserts that the State Bar never made such a request to the United States District Court, and that the judge therefore "wrote a false statement" in the referral order.

This contention is patently frivolous, and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

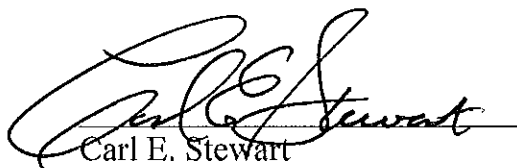
Complainant further asserts that the judge and the magistrate judge improperly interpreted and characterized proceedings conducted by a defendant-agency, and that the magistrate judge incorrectly found that complainant had not complied with legal requirements for service of process on another defendant. He submits that these asserted errors, as well as the judge's allegedly "false statement" in the referral order, demonstrate bias and prejudice on the part of both judicial officers.

To the extent that the allegations relate directly to 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 conclusory assertions of bias and prejudice are insufficient to support findings 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.

December 28, 2016

  
Carl E. Stewart  
Chief Judge

**FILED**

**MAR 23 2017**

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

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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No. 05-17-90030 and 05-17-90031  
Petition for Review by [REDACTED]  
of the Final Order Filed January 4, 2017  
Dismissing Judicial Misconduct Complaint Against  
[REDACTED]  
Under the Judicial Improvements Act of 2002.

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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 4, 2017, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

**AFFIRMED.**

3-20-2017  
Date

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