

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

Complaint Numbers: 05-17-90037 through 05-17-90040

MEMORANDUM


Complainant, a state prisoner, alleges that the subject United States District Judge conspired with the defendant-State, and with the three subject United States Circuit Judges, “to make a false ruling, which was used to prohibit [me] from access to the courts.” He further contends that the subject judges “also ruled against [me] because [I am] a member of a particular ethnic group (convicted felons).

To the extent that complainant repeats his prior allegation that he was denied access to the courts by the subject judges, the allegation is subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii). In other respects, conclusory assertions of conspiracy and bias are insufficient to support a finding of judicial misconduct, and are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

This is complainant’s third merits-related and conclusory judicial misconduct complaint in less than seven months, and his second such complaint regarding the same proceedings. Complainant is WARNED that should he file a further merits-related, frivolous, conclusory or repetitive complaint, his right to file complaints may be suspended and, unless he is able to show cause why he should not be barred from filing future complaints, the suspension will continue indefinitely. See Rule 10(a), Rules For Judicial-Conduct or 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.


Carl E. Stewart
Chief Judge

December 28, 2016

MAR 08 2017

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-17-90037 through 05-17-90040
Petition for Review by [REDACTED]
of the Final Order Filed January 4, 2017
Dismissing Judicial Misconduct Complaint Against

[REDACTED]
[REDACTED]
Under the Judicial Improvements Act of 2002.

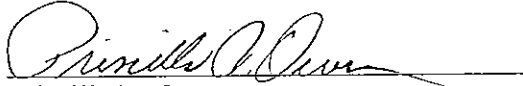
ORDER

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

The Order is therefore

AFFIRMED.

March 2, 2017
Date


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