

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS

FILED

AUG 01 2017

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Complaint Number: 05-17-90049

MEMORANDUM

Complainant, a state prisoner, complains that the subject United States Magistrate Judge erroneously and improperly denied his motion to proceed *in forma pauperis* ["IFP"] in a prisoner civil rights action.

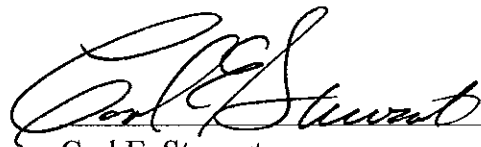
The allegation relates directly to the merits of the magistrate judge's decision, and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

Complainant appears to further complain that he has not "received any answer, judgment, or order" regarding his pleading objecting to the order denying his IFP motion.

A review of the docket indicates that the pleading was returned, unfiled, by the district court clerk, at the direction of the court, for failure to comply with Local Rule 5(e)(1). As such, there is no pleading for the court to rule on and, even if there were, any such ruling would be issued by the district judge, not by the magistrate judge. The allegation is therefore subject to dismissal frivolous 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.



Carl E. Stewart
Chief Judge

July 29

, 2017