

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

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Complaint Number: 05-17-90052

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MEMORANDUM

Complainant, a *pro se* litigant, filed a lawsuit in a United States District Court in another judicial circuit. A proceeding regarding similar actions against the same defendants was pending in a United States District Court in a different judicial circuit, and the defendants successfully moved to conditionally transfer complainant's case. Thereafter, the court denied complainant's motion to vacate the transfer order and his motion for reconsideration.

Complainant has filed a judicial misconduct complaint against the subject United States District Judge. He complains that in denying his motion for reconsideration, the judge: "did not describe the facts in sufficient detail"; "did not make a list of evidence [the judge] considered"; "did not consider the conflicts of laws in this case"; "engaged in quasi disability adjudication" for which the judge has "no legal power" or "experience, knowledge, training and skill in appropriate fields of medicine and mental health sciences"; and habitually, erroneously and incompetently "describ[ed] all facets of human experience in terms of "convenience" or inconvenience"." He concludes that the judge's "perfunctory, incompetent observations and flawed reasoning" in denying his motion demonstrate "negligence and conduct prejudicial to the administration of justice."

To the extent 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, such conclusory assertions of incompetence and prejudicial conduct are

insufficient to support a finding of judicial misconduct and are 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.



Carl E. Stewart  
Chief Judge

July 29, 2017

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FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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No. 05-17-90052  
Petition for Review by [REDACTED]  
of the Final Order Filed August 1, 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 August 1, 2017, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

**AFFIRMED.**

October 3, 2017  
Date

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