

OCT 17 2017

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

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Complaint Numbers: 05-17-90093 through 05-17-90095

MEMORANDUM

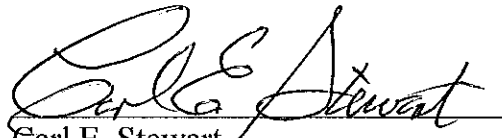
Complainant, a state prisoner, alleges that the dismissals of his habeas claims by the two subject United States District Judges and the subject United States Magistrate Judge were “erroneous and arbitrary abuse[s] of discretion” which violated complainant’s “5th, 6th, and 14th Amendment [rights to] due process and equal protection of the law.”

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

Judge B’s retirement is an intervening event that makes action on the allegations against him unnecessary, and that aspect of the complaint is therefore concluded pursuant to 28 U.S.C. § 352(b)(2).¹

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

October 11, 2017

¹ The undersigned notes that had Judge B not retired, these allegations also would have been subject to dismissal as merits-related and conclusory under 28 U.S.C. §§ 352(b)(1)(A)(ii) and (iii).