

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS  
**FILED**  
OCT 17 2017  
FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

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Docket Number: 05-17-90108

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MEMORANDUM

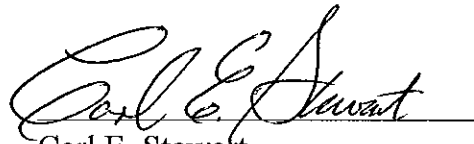
Complainant, a *pro se* litigant, complains that the subject United States Magistrate Judge unfairly denied his motions to proceed *in forma pauperis* and for court-appointed counsel. He further alleges the magistrate judge failed to take any action on his reports that defense counsel “made numerous false statements” in pleadings. Complainant also asserts that in recommending that the district judge grant the defendant’s motion to dismiss his claims, the magistrate judge disregarded the evidence he presented.

These allegations relate directly to the merits of the magistrate judge’s decisions, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

In addition, complainant states he did not receive timely notice of the magistrate judge’s order rescheduling a May 2016 management conference, and he complains that the magistrate judge “blamed it on the mail service.” He further protests he received a motion filed electronically by the defendants the day after a (purportedly related) November 2016 hearing.

The transmission of court orders to litigants is the responsibility of the clerk’s office, and the transmission of pleadings to other parties is the responsibility of the filing party. As such, any anomalies in the transmission of those documents to Johnson do not constitute evidence of misconduct on the part of the magistrate judge, and the allegation is 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.

  
Carl E. Stewart  
Chief Judge

October 11, 2017

DEC 20 2017

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

No. 05-17-90108

Petition for Review by [REDACTED]  
of the Final Order Filed October 17, 2017,  
Dismissing Judicial Misconduct Complaint  
Against [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 October 17, 2017, dismissing the Complaint of [REDACTED] against [REDACTED], under the Judicial Improvements Act of 2002.

The Order is therefore

**AFFIRMED.**

12-16-2017  
Date

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