

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

Docket Number: 05-17-90109

MEMORANDUM

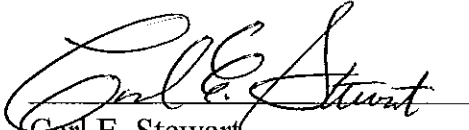
Complainant, an attorney, alleges that rulings entered by the subject United States District Judge demonstrate a “personal vendetta and bias against me, and favor towards the Defendants and their Counsels.” In support of this claim, complainant complains that the judge:

- revoked his *pro hac vice* status, and denied his later motions to appear *pro hac vice* after he had complied with the court’s sanctions;
- did not grant the plaintiffs “at least one amendment to pleading ... even when Rule 15(a) is a rule biased in favor of granting leave to amend pleading”;
- denied the plaintiffs’ Rule 60(b) motion “without any detailed explanation, while many of his other orders that although [sic] cites to incorrect statutes as governing law ... contains explanation”;
- should have disqualified himself *sua sponte* or should have granted the plaintiffs’ motion to disqualify;
- possibly “influenced” the denial of complainant’s application for admission to the district court; and
- “lacks patience and expertise to understand and oversee this case.”

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, complainant provides no evidence that the judge's negative opinion of his conduct was the product of an extrajudicial source or a "personal vendetta," as opposed to being "properly and necessarily acquired in the course of the proceedings."¹ Such conclusory allegations of bias are 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

¹ See *Liteky v. U.S.*, 510 U.S. 540, 551 (1994).