

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

JAN 03 2010

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Complaint Number: 05-18-90026

MEMORANDUM

Complainant, a federal detainee, has filed a judicial misconduct complaint against the subject United States Magistrate Judge.

Complainant claims that the magistrate judge told defense counsel that complainant had filed a judicial misconduct complaint against him. He protests that “discussing my complaints [is] unethical, give[s] the appearance of deceptive scheming,” and demonstrates that the magistrate judge and defense counsel “are friends and operate according to [that] relationship.”


The confidentiality provisions of the Rules For Judicial-Conduct and Judicial-Disability Proceedings do not apply to a judicial officer against whom a complaint has been filed. Complainant does not explain how his rights were prejudiced by the purported friendship between the magistrate judge and defense counsel, and nothing in the conduct described is sufficient to support a finding of judicial misconduct.

The allegations are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant appears to complain further that despite alerting the court that he “has been a victim of excessive force, and verbally and mentally abused regularly” while in detention awaiting trial, the magistrate judge has unfairly granted defense counsel’s motions to continue the trial date.

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

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

December 29, 2017
Date