

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS

FILED

APR 13 2018

FIFTH CIRCUIT

LYLE W. CAYCE, CLERK

Complaint Number: 05-18-90052

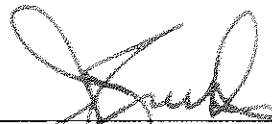
MEMORANDUM

Complainant, a *pro se* civil litigant, alleges that by failing to issue summonses the subject United States District Judge violated Fed. R. Civ. P. Rule 4 and denied complainant's due process rights. He further asserts that by acting "wrongfully," the judge violated his oath of office and "engaged in [an act] of treason."

To the extent that the allegations relate directly to the merits of the judge's decision to deny the habeas petition without issuing summonses, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegations 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.



Jerry E. Smith
Circuit Judge

4-9-18

Date