

JAN 14 2019

FIFTH CIRCUIT  
LYLE W. GAYGE, CLERK

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Docket Numbers: 05-18-90081 and 05-18-90082

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MEMORANDUM

In a barely intelligible judicial misconduct complaint, complainant, a federal prisoner, appears to allege that the subject United States District Judge and the subject United States Magistrate Judge erroneously and improperly applied 28 U.S.C. § 1915 in deciding whether to grant his motions to proceed in forma pauperis [“IFP”] in a habeas proceeding and on appeal, and in a prisoner civil rights action. He appears to further allege that in granting his motion to proceed IFP in another civil proceeding, he was erroneously and improperly ordered to pay the filing fee in instalments.

Clervrain concludes that the judge and the magistrate judge have “a personal bias or prejudice” against him.

To the extent that the allegations relate directly to the merits of the judge’s and the magistrate judge’s decisions, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such a conclusory assertion of bias lacks sufficient evidence to raise an inference that misconduct has occurred, and 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.

 2018

  
Carl E. Stewart  
Chief Judge

FEB 28 2019

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

No. 05-18-90081 and 05-18-90082

Petition for Review by [REDACTED]  
of the Final Order Filed January 14, 2019,  
Dismissing Judicial Misconduct Complaint

Against [REDACTED]

Under the Judicial Improvements Act of 2002.

ORDER

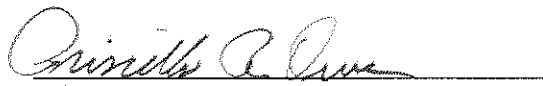
An Appellate Review Panel of the Judicial Council for the Fifth Circuit has reviewed the above-captioned petition for review, and all the members of the Panel have voted to affirm the order of Chief Judge Carl E. Stewart, filed January 14, 2019, dismissing the Complaint of [REDACTED] against [REDACTED]

[REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

**AFFIRMED.**

2-22-2019  
Date

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