

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED
JAN 16 2019
FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Complaint Numbers: 05-18-90090 through 05-18-90093

M E M O R A N D U M

Complainant, a state prisoner, has filed a judicial misconduct complaint against the three subject United States District Judges and the subject United States Magistrate Judge. He alleges that United States District Judge A’s decision to transfer complainant’s petition for a writ of habeas corpus to United States District Judge B was “illegal and arbitrary.” He further asserts that in denying the motion to vacate the illegal transfer, Judge B—who complainant incorrectly refers to as United States District Judge C—cited no statutory authority or precedent in support of the “bizarre” finding that the transfer was proper. Complainant contends that Judge B’s decision makes him “similarly guilty” of misconduct, as well as United States District Judge C who, as then-Chief Judge of the district court, “participated” in some unspecified way in the other judges’ improper decisions.

Complainant also asserts that the magistrate judge “refused to even read” his pleadings before recommending (in a 34-page report) that his habeas petition be denied. In addition, he submits that Judge B’s failure to address the “issues, facts (including new evidences [sic]) and law” set out in his pleadings and objections demonstrate that the judge’s purported de novo review was “a farce.” Complainant submits that such conduct that was “egregiously hostile [and] ... clearly prejudicial ... to a class of persons know as prisoners.”


To the extent that these allegations relate directly to the merits of the judges’ 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 conclusory allegations of improper motive and bias lack sufficient evidence to raise an inference that misconduct has occurred, and 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.

January 12, 2018


Carl E. Stewart
Chief Judge

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

FEB 28 2019

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

No. 05-18-90090 through 05-18-90093
Petition for Review by [REDACTED]
of the Final Order Filed January 16, 2019,
Dismissing Judicial Misconduct Complaint

Against [REDACTED]

[REDACTED]
Under the Judicial Improvements Act of 2002.

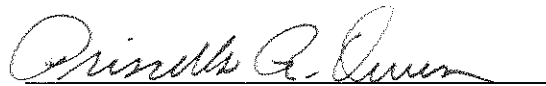
ORDER

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 16, 2019, dismissing the Complaint of [REDACTED] against [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