

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

Docket Number: 05-18-90119

MEMORANDUM

Complainant, a state prisoner, complains that the subject United States District Judge's decisions striking his "Amicus Curiae Notice and Motion for Temporary Injunction," denying his motion to intervene and motion for reconsideration, and imposing sanctions, were "demonstrably egregious," "hostile," and biased. He further contends that the judge violated Canon 3(C)(1) of the Code of Conduct for United States Judges by failing to disqualify himself sua sponte "in a proceeding in which [his] impartiality might reasonably be questioned."

To the extent that these 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, the assertions of hostility and bias appear entirely derivative of the merits-related charges, but to the extent these allegations are separate, they are wholly unsupported, and are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) as "lacking sufficient evidence to raise an inference that misconduct has occurred."

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.

This is complainant's fourth judicial misconduct complaint, and his third such complaint to be dismissed as merits-related.¹ This is an abuse of the complaint process. complainant is WARNED that should he file a further merits-related, conclusory, or

¹ The undersigned notes that complaint filed the three prior complaints using a different spelling of his last name, but the same state prisoner ID number.

frivolous complaint, his right to file complaints may be suspended and, unless he is able to show cause why he should not be barred from filing future complaints, the suspension will continue indefinitely. See Rule 10(a), Rules For Judicial-Conduct or Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.



Carl E. Stewart
Chief Judge

January 12, 2019

U. S. COURT OF APPEALS
FILED

MAY 23 2019

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-18-90119

Petition for Review by [REDACTED]
of the Final Order Filed January 16, 2019,
Dismissing Judicial Misconduct Complaint
Against [REDACTED]
Under the Judicial Improvements Act of 2002.

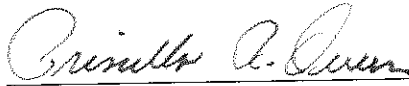
ORDER

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 16, 2019, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

5-21-2019
Date


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