

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Docket Numbers: 05-19-90009 through 05-19-90015

U. S. COURT OF APPEALS
FILED

FEB 22 2019

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

MEMORANDUM

Complainant, a pro se litigant, has filed seven separate judicial misconduct complaints against the four subject United States District Judges [“Judges A, B, C, and D”] and the three subject United States Magistrate Judges [“Magistrate Judges X, Y, and Z”]. However, because complainant makes largely identical allegations against each subject judicial officer, the undersigned construes them as a consolidated complaint.

Underlying cases

Between February 2017 and August 2018, complainant filed fifteen civil lawsuits, including actions against four of the subject judicial officers, in the United States District Court. He was granted permission to proceed in forma pauperis, but the magistrate judges recommended that his motions for appointment of counsel be denied because the lawsuits should be dismissed as frivolous or for failure to state a claim upon which relief could be granted. In each case, the district judge adopted the recommendations.

In January 2018, a federal misdemeanor proceeding was filed in which complainant was the defendant. Magistrate Judge Y conducted a bench trial, found complainant guilty, and sentenced him to perform 30 hours of community service.

Allegations

Complainant alleges that the subject judicial officers:

- are “delusional” and “unable to discharge all the duties of this office by reason of mental, and emotional, instability”
- acted as “blocker” judges to protect a cult leader complainant alleges kidnapped, raped, and brainwashed his “Black” girlfriend and forced her to terminate a pregnancy
- “have been subconsciously and consciously following the biased and prejudiced thinking of Satan” in the following ways:

- refused to report the cult leader’s crimes to “the appropriate authorities”
- refused to appoint counsel to represent complainant “in the *special interest of Justice*” because the subject judicial officers are “White supremacist[s] who did not want to rescue [my] Black girlfriend”
- “refused to admit that lying is a crime”
- “refused to allow due process to proceed in [my] lawsuits against [the State Governor]” [allegation as to Judge A only]
- “purposefully refused to allow [me] to call upon witnesses that were favorable to [me]” [allegation as to Judges B and C and Magistrate Judges X and Y only]
- “refused to admit that reidentifying a person in a person’s “official medical records” without a court order of the person’s prior written consent is a federal crime” [allegation as to Magistrate Judge Z only]
- “refused to admit that tampering with a person’s mail is a federal crime” [allegation as to Magistrate Judge Z only]
- refused to admit that practicing prejudiced and racist behavior is a federal crime” [allegation as to Magistrate Judge Z only]
- because complainant caught them “protecting liars in a court of law when lying is a crime”:
 - Judges A and C “purposefully ignored [my] lawful request to open the Judiciary up to the “civil” process of discovery”
 - Judges B and D and Magistrate Judges X and Y “purposefully ignored [my] lawful request granting an indigent plaintiff court transcripts, for free, according to the law”
 - Judge C “purposefully ignored [my] indigent status and refused to issue a summons”
 - Magistrate Judge X “dismissed [my] lawsuits against liars in [my] life as ‘frivolous’.”

Complainant protests that he “repeatedly requested an attorney be appointed to represent me in the “special interest of justice” however the White Supremacist judges denied my request because of their prejudices against me due to my lack of money and the

color of my girlfriend's skin." He concludes that in denying appointment of counsel to an indigent litigant, the subject judicial officers are "openly practicing prejudiced behavior against the poor," "are purposefully, knowingly, and intentionally not following the laws, and are refusing to follow due process in spite of the Judges swearing an oath," and should be impeached.

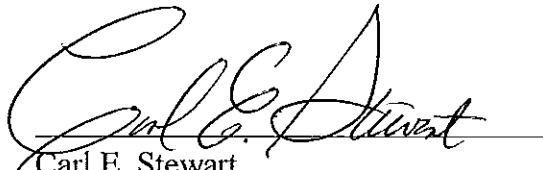
To the extent that the allegations relate directly to the merits of the judges' and the magistrate judges' decisions in the fifteen civil proceedings and one criminal proceeding, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). To the extent complainant complains, generally and specifically, that the subject judicial officers are racist, biased, "delusional," and "unable to discharge all the duties of this office by reason of mental, and emotional, instability," such conclusory assertions lack sufficient evidence to raise an inference that misconduct has occurred, and the allegations are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii). In other respects, the allegations are so lacking in indicia of reliability that no further inquiry is warranted, and they are also 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.

Complainant's merits-related and conclusory complaints regarding every judge and magistrate judge who participated in his sixteen district court proceedings constitutes an abuse of the complaint process. Complainant's right to file complaints is hereby SUSPENDED pursuant to Rule 10(a), Rules For Judicial-Conduct or Judicial-Disability Proceedings. Complainant may show cause, through a petition for review submitted pursuant to Rule 18, why his right to file further complaints should not be so limited.

An order dismissing the complaint is entered simultaneously herewith.

February 18, 2018


Carl E. Stewart
Chief Judge