

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS  
**FILED**

FEB 22 2019

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

---

Docket Number: 05-19-90033

---

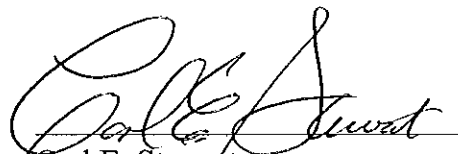
MEMORANDUM

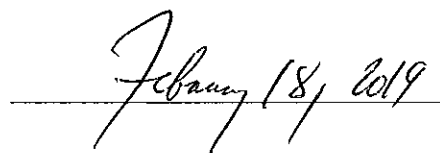
Complainant, a state prisoner, complains that the subject United States District Judge's order dismissing his 28 U.S.C. § 2254 petition misstated the charge underlying his guilty plea in the state criminal proceeding, and he submits that the purported error constitutes evidence of either "negligence" in reviewing the record or "malicious intent." Complainant further contends that the judge violated his due process rights by "refusing" to consider his "crystal clear" pleadings regarding infirmities in the state proceeding, denying a certificate of appealability, and striking or denying his motions for reconsideration.

To the extent that the 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 assertion of "malicious intent" appears entirely derivative of the merits-related charges, but to the extent the allegation is separate, it is wholly unsupported, 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.

  
Carl E. Stewart  
Chief Judge

  
February 18, 2019