

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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

MAR 12 2019

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

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Docket Number: 05-19-90063

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MEMORANDUM

Complainant, a state prisoner, alleges that “had [the subject United States District Judge] not taken a personal dislike to me due to the circumstances of my state conviction ... and my role in the offenses [underlying the federal criminal conviction],” the judge would “have ordered the federal sentence to be served concurrently with the undischarged state sentence ... or [w]ould have adjusted the federal sentence to achieve the same result.”

To the extent that the complaint relates directly to the merits of the judge’s decision, it is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, any assertion of personal animus appears entirely derivative of the merits-related charge, but to the extent the allegation is separate, it is wholly unsupported, and is 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

March 7, 2019

JUL 03 2019

FIFTH CIRCUIT  
LYLE W. GAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL  
OF THE FIFTH CIRCUIT

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No. 05-19-90063

Petition for Review by [REDACTED]  
of the Final Order Filed March 12, 2019,  
Dismissing Judicial Misconduct Complaint

Against [REDACTED]

Under the Judicial Improvements Act of 2002.

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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 March 12, 2019, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

**AFFIRMED.**

Date

6-28-2019



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