

IN THE UNITED STATES COURT OF APPEALS U. S. COURT OF APPEALS
FOR THE FIFTH CIRCUIT

FILED

JAN 11 2016

Docket Number: 05-16-90034

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

MEMORANDUM

Complainant, a federal prisoner, has filed a judicial misconduct complaint against the subject United States District Judge who, until recently, presided over his pending 28 U.S.C. § 2241 proceeding. Complainant complains that the judge “refused to recognize any of the documents I sent to the court in this case”; “totally ignored” a motion for appointment of counsel, “will not follow the law, and inject[s] [his] personal beliefs into every decision.” Without providing any evidence in support of the allegation, he further asserts that the judge “[i]llegally contacted [the judge who presided over complainant’s criminal trial] off the record and asked him what he wanted done with the 2241. [The trial judge] told [him] to rubber stamp the 2241 dismissed. Thereby participating in an illegal conspiracy against me.”

Complainant also submits that the judge is “whats [sic] known as [a] judicial idiot in courthouse cliques”, is “assigned only litigation that is considered of no importance, like *pro se* litigation from citizens and prisoners”, and is “so out of control and rabidly obsessed with attacking all and any *pro se* litigation, [he] will not even recognize Fifth Circuit precedent ... [and] will not interpret any *pro se* legal actions in a [sic] impartial, honest manner (totalitarian exploitation).”

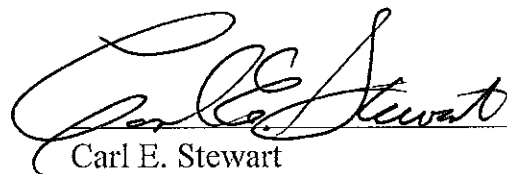
In addition, complainant protests that the judge “violate[s] the oath [he] took to uphold the U.S. Constitution and the law ... daily, grossly, and massively,” and “[m]uch of the judicial rot, bad acts, misconduct, and shenanigans” of the judge “have their

underpinnings on [sic] rabid political activism on the federal bench.” He concludes that the judge is “clearly suffering from mental disease and defect”, “demonizes any and all *pro se* litigation”, and “runs [his] nasty rubber stamp kangaroo court with a hateful, fanatical ideology.”

To the extent that the allegations relate directly to the merits of the judge’s decisions, they are subject to dismissal as merits-related under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, such conclusory assertions of conspiracy, bias, and mental disease are either patently frivolous or insufficient to support a finding of judicial misconduct 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.



Carl E. Stewart
Chief Judge

December 30, 2015