

NOV 09 2016

FIFTH CIRCUIT
LYLE W. GAYCE, CLERKIN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Complaint Number: 05-16-90126


M E M O R A N D U M

Complainant, a state prisoner, complains that by “arbitrarily circumvent[ing] the plain language of 28 U.S.C. § 2254” and denying his motion for a certificate of appealability, the subject United States Circuit Judge “created a ‘Bar’ or ‘Closure’ for Pro Se, non-trained Lay-Person litigants from being heard in the Appeals Courts.”

The allegation relates directly to the merits of the judge’s decision, and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii).

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

September 1, 2016