

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

JAN 14 2019

Docket Numbers: 05-18-90064 and 05-18-90065


FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

MEMORANDUM

Complainant, a state prisoner, complains that the subject United States District Judge is “showing partiality” towards the defendants in his pending prisoner civil rights proceeding by unduly delaying ruling on complainant’s motion for default judgment. He further asserts that despite being aware of the delay, the subject United States Magistrate Judge “continues to turn a blind eye even after [I] made numerous complaints thus showing favoritism.” He also protests that the judge failed to respond to his letters complaining about the favoritism.

Neither a delay of less two months in rendering a decision, nor such conclusory assertions of bias, are sufficient to support a finding of judicial misconduct, and the allegations are therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

An order dismissing the complaint is entered simultaneously herewith.


Carl E. Stewart
Chief Judge


January 9, 2019

MAR 15 2019

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-18-90064 and 05-18-90065
Petition for Review by [REDACTED]
of the Final Order Filed January 14, 2019,
Dismissing Judicial Misconduct Complaint
Against [REDACTED]
[REDACTED]
Under the Judicial Improvements Act of 2002.

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 January 14, 2019, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore

AFFIRMED.

March 13, 2019
Date

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