

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Complaint Number: 05-19-90143

U. S. COURT OF APPEALS
FILED

OCT 08 2019

FIFTH CIRCUIT
LYLE W. GAYE, CLERK

MEMORANDUM

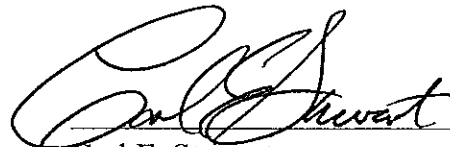
Complainant, a state prisoner and pro se litigant, asserts that whereas he has “managed to comply with the court’s [scheduling] order,” the subject United States Magistrate Judge has permitted the defendants, who are represented by counsel, to miss deadlines.

To the extent that the allegations relate directly to the merits of the magistrate judge’s decisions or procedural rulings, they are subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(ii). In other respects, the allegation of bias 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) as “lacking sufficient evidence to raise an inference that misconduct has occurred.”


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.

This is complainant’s sixth merits-related, conclusory, or frivolous judicial misconduct complaint and he has been warned previously against filing further merits-related, conclusory, frivolous, or repetitive complaints. Complainant’s right to file complaints is hereby SUSPENDED pursuant to Rule 10(a), Rules For Judicial-Conduct and Judicial-Disability Proceedings. Complainant may show cause, through a petition for review submitted pursuant to Rule 18, why his right to file further complaints should not be so limited.

An order dismissing the complaint is entered simultaneously herewith.



Carl E. Stewart
Chief Judge

 _____, 2019

DEC 03 2019

FIFTH CIRCUIT
LYLE W. GAYNE, CLERK

BEFORE THE JUDICIAL COUNCIL
OF THE FIFTH CIRCUIT

No. 05-19-90143

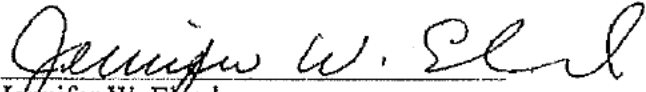
Petition for Review by [REDACTED]
of the Final Order Filed October 08, 2019,
Dismissing Judicial Misconduct Complaint
Against [REDACTED]
Under the Judicial Improvements Act of 2002.

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 October 08, 2019, dismissing the Complaint of [REDACTED] against [REDACTED] under the Judicial Improvements Act of 2002.

The Order is therefore AFFIRMED IN ALL RESPECTS.

11/25/19
Date


Jennifer W. Elrod
United States Circuit Judge
For the Judicial Council of the Fifth Circuit