

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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

JAN 08 2016

FIFTH CIRCUIT  
LYLE W. GAYCE, CLERK

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Docket Number: 05-16-90002

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MEMORANDUM

Complainant, a state prisoner, has filed a judicial misconduct against the subject United States District Judge. Complainant alleges that the judge erroneously dismissed his lawsuit as time-barred, thereby “discriminating against” a disabled inmate bringing claims under the Americans with Disabilities Act. He further asserts that the judge “did not even read [his claims] or care of the contents inside of the legal proceedings.” Complainant concludes that the judge “intentionally, knowingly” and “arbitrarily interfere[d]” with his rights to due process and “equal protection of the laws”.

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

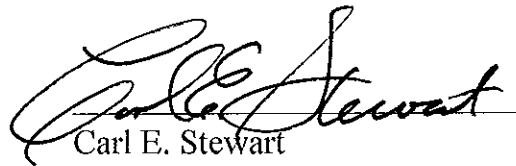
Judicial misconduct proceedings are not a substitute for the normal appellate review process, nor may they be used to obtain reversal of a decision or a new trial.

This is complainant’s second merits-related judicial misconduct complaint in six months regarding the same proceeding. Complainant is WARNED that should he file a further merits-related or frivolous complaint, his right to file complaints may be suspended and, unless he is able to show cause why he should not be barred from

filing future complaints, the suspension will continue indefinitely. See Rule 10(a), Rules For Judicial-Conduct or Judicial-Disability Proceedings.

An order dismissing the complaint is entered simultaneously herewith.

~~December 31~~  
~~October 8~~, 2015

  
Carl E. Stewart  
Chief Judge