

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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

JAN 08 2016

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Docket Number: 05-16-90007  
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FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

MEMORANDUM

Complainant, a *pro se* bankruptcy petitioner, has filed a barely intelligible judicial misconduct complaint against the subject United States Bankruptcy Judge. Complainant appears to protest that even though he explicitly “reserved [his] rights” and filed affidavits informing the court “of the mortgage fraud as to bankers and attorneys”, the judge found him in contempt of court, ordered the Clerk of Court to issue a bench warrant, and directed the United States Marshals Service to arrest him. He further alleges that the judge “targeted” him for “helping human being [sic] who are also citizen [sic] of the [C]onstitution of 1776 [sic] and the [D]eclarations [sic] of [I]ndependents [sic] of 1776”, i.e., “people who have been hurt by a judicial officer who have [sic] file[d] eviction and have taken individual [sic] Home [sic] and have stolen property from the home owner.”

To the extent that these 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 a conclusory assertion of retaliation is insufficient to support a finding of judicial misconduct and is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant’s request that the undersigned “set aside” the judge’s rulings is denied.

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

~~October 20~~ December 31, 2015